Carnegie Public Library, Ayr.

942·07

LENDING DEPARTMENT.

THIS Book must be returned to the Library not later than FOURTEEN DAYS from the date of issue; but it may be taken out again, if not wanted by another reader.

A FINE OF ONE PENNY WILL BE STRINGENTLY EXACTED for each week or portion of a week that the book is kept beyond the time allowed.

Each book will be carefully examined when returned, and readers will be held responsible for any damage a book may have sustained while in their possession.

Writing or drawing on any part of a book with pen or pencil, or doubling down the leaves, will be treated as serious damage.

Readers are requested to give notice of any defect or disfigurement they find in a book when they receive it.

This book cannot be returned on the day of

No. 8862

NATIONAL LIBRARY OF SCOTLAND
LENDING SERVICES
RESERVE STOCK No. 218

6

TRIAL

OF

QUEEN CAROLINE.

VOL. II.

COMPANION TO THE QUEEN'S TRIAL.

MEMOIRS of HER MAJESTY, CAROLINE, QUEEN CONSORT of GREAT BRITAIN; embracing every Circumstance illustrative of the most memorable Scenes of her eventful Life, from her Infancy to the latest Period; interspersed with original Letters and other Documents, hitherto unpublished.

By ROBERT HUISH, Esq.,

Author of "*Memoirs of the Princess Charlotte*," "*George the Third*," &c.

EMBELLISHED WITH ELEGANT ENGRAVINGS.

This Work is published in Parts at 3*s.* each, and Sixpenny Numbers; and for the convenience of reading, will commence with the Early Biography of the Queen, and be continued regularly from her Infancy to the latest Period, omitting nothing of importance relative to her Majesty's eventful Life, and including much valuable Information, communicated expressly for this Work, from the highest Authority.

The Portraits given in this Work, and in the Queen's Trial, are from the celebrated Mr. WIVELL's Drawings, and executed by Mr. WRIGHT. The astonishing approbation these inimitable Likenesses have excited, has induced the Proprietor to strike off Proofs from the Plates, which are sold at 2*s.* 6*d.* each, by all the respectable Printsellers. Vide the List of Plates given in Vol. II.

AYR PUBLIC LIBRARY

THE TRIAL of the QUEEN OF ENGLAND,

In the House of Lords.

1820.

Vol. 2.

The Queen's arrival at the House of Lords.

LONDON,

Printed for Thos. Kelly, *17, Paternoster Row, March 27,*

1821.

THE

TRIAL AT LARGE

OF HER MAJESTY

CAROLINE AMELIA ELIZABETH,

Queen of Great Britain;

IN THE HOUSE OF LORDS,

ON

D8862

CHARGES OF ADULTEROUS INTERCOURSE;

CONTAINING

A FULL AND ACCURATE DETAIL OF THE EVIDENCE OF THE WITNESSES, THE SPEECHES OF COUNSEL, AND ALL OTHER PROCEEDINGS IN THIS EXTRAORDINARY TRIAL.

THE EXAMINATION OF THE WITNESSES, AND THE DOCUMENTARY TESTIMONY,

PRINTED VERBATIM FROM THE

Authenticated Journals of the House of Peers:

THE WHOLE ILLUSTRATED BY

EXPLANATORY NOTES,

AND EMBELLISHED WITH

FAITHFUL AND HIGHLY-FINISHED PORTRAITS, &c.

IN TWO VOLUMES.

VOL. II.

CONTAINING THE EVIDENCE AND SPEECHES FOR THE DEFENCE.

CARNEGIE PUBLIC LIBRARY AYR

London:
PRINTED FOR T. KELLY, 17, PATERNOSTER-ROW,
And sold by all Booksellers in the United Kingdom.

1821.

942.04

LONDON
PRINTED BY WILLIAM CLOWES,
Northumberland-court.

THE

TRIAL OF QUEEN CAROLINE,

ON CHARGES OF

ADULTEROUS INTERCOURSE,

&c. &c. &c.

HOUSE OF LORDS.

TWENTY-SECOND DAY,—TUESDAY, OCT. 3.

THE house re-assembled this day, pursuant to adjournment. The court being constituted with the accustomed ceremonies, counsel were ordered to be introduced; and the barristers and solicitors on each side entered, and advanced to the bar.

HER MAJESTY'S DEFENCE.

Mr. BROUGHAM began to address their lordships in a very low tone of voice: it was with difficulty he could at first be heard, but, as far as we could collect, he spoke to the following effect:—" The time had now arrived when it became his duty to address himself to their lordships in defence of his illustrious client. But when the moment which he had so anxiously desired had at length come, he felt the greatest alarm. It was not, however, the august presence of that assembly which oppressed him, for he had often experienced its indulgence; neither was it the novelty of the proceedings that embarrassed him, for to novelty the mind gradually gets accustomed, and becomes at last reconciled to the most extraordinary deviations; nor was it even the great importance and magnitude of the cause he had to defend which perplexed him, for he was borne up in his task with that conviction of its justice, and of the innocence of his illustrious client, which he shared in common with all mankind. But it was even that very conviction which alarmed him—it was the feeling that it operated so zealously and so rightly which now dismayed him, and made him appear before their lordships impressed with

the fear that injustice might be done to the case by his unworthy mode of handling it. While, however, other counsel have trembled for fear of guilt in a client, or have been chilled by indifference, or have had to dread the weight of public opinion against them, he had none of these disadvantages to apprehend. Public opinion had already decided on the case, and he had nothing to fear but the consequences of perjury. The apprehension which oppressed him was, that his feeble exertions might have the effect of casting, for the first time, this great cause into doubt, and turning against him the reproaches of those millions of his countrymen now jealously watching the result of these proceedings, and who might perhaps impute it to him if their lordships should reverse that judgment which they had already pronounced upon the charges in the present state of the case. In this situation, with all the time which their lordships had afforded him for reflection, it was difficult for him to compose his mind to the proper discharge of his professional duty; for he was still weighed down with the sense of the heavy responsibility of the task he had undertaken. He must also observe, that it was no light addition to the anxiety of this feeling to foresee that, before these proceedings closed, it might be his unexampled lot to act in a way which might appear inconsistent with the duty of a good subject—to state what might make some call in question his loyalty, though that was not what he anticipated from their lordships.

"He would now remind their lordships that his illustrious client, then Caroline of Brunswick, arrived in this country in the year 1795; she was the niece of the sovereign, and the intended consort of the heir-apparent, and was herself not far removed from the succession to the crown. But he now went back to that period solely for the purpose of passing over all that had elapsed from her arrival until her departure in 1814; and he rejoiced that the most faithful discharge of his duty permitted him to take this course. But he could not do this without pausing for a moment to vindicate himself against an imputation to which he might not unnaturally be exposed in consequence of the course which he pursued, and to assure their lordships that the cause of the queen, as it appeared in evidence, did not require recrimination at present. The evidence against her majesty, he felt, did not now call upon him to utter one whisper against the conduct of her illustrious consort, and he solemnly assured their lordships that but for that conviction his lips would not at that time be closed. In this discretionary exercise of his duty, in postponing the case which he possessed, their lordships must know that he was

waving a right which belonged to him, and abstaining from the use of materials which were unquestionably his own. If, however, he should hereafter think it advisable to exercise this right—if he should think it necesssary to avail himself of means which he at present declined using—let it not be vainly supposed that he or even the youngest member in the profession, would hesitate to resort to such a course, and fearlessly perform his duty.—He had before stated to their lordships—but surely of that it was scarcely necessary to remind them—that an advocate, in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, among them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences, though it should be his unhappy fate to involve his country in confusion.

"He felt, however, that, were he now to enter on the branch of his case to which he had alluded, he should seem to quit the higher ground of innocence on which he was proud to stand. He would seem to seek to justify, not to resist the charges, and plead not guilty—to acknowledge and extenuate offences, levities, and indiscretions, the very least of which he came there to deny. For it was foul and false to say, as some of those who, under pretence of their duty to God, forgot their duty to their fellow-creatures, had dared to say, and they knew it to be false and foul when they asserted it—that any improprieties were admitted to have been proved against the queen. He denied that any indiscretions were admitted. He contended not only that the evidence did not prove them, but that it disproved them. One admission he did make; and let the learned counsel who supported the bill take it, and make the most they could of it, for it was the only admission that would be made to them. He granted that her majesty had left this country for Italy; he granted that while abroad she had moved in society chiefly foreign, inferior probably to that which, under happier circumstances, she had known—and very different, certainly, from that which she had previously enjoyed in this country. He admitted, that when the queen was here, and happy, not, indeed, in the protection of her own family, but in the friendship of their lordships and their families, that she moved in more choice and dignified society than any in which she has since had the good fortune to be placed.

"The charge against her was—that she went to Italy, and that, instead of associating with the peers and peeresses of England, she took to her society only foreigners. He fully admitted that her majesty had been under the necessity of associating with Italian nobility, and sometimes with the commonalty of that country. But who are they that bring this charge? Others might blame her majesty for going abroad—others might say that she had experienced the consequences of leaving this country and associating with foreigners; but it was not for their lordships to make this charge. They were the very last persons who should fling this at the queen; for they who now presumed to sit as her judges were the very witnesses she must call to acquit her of this charge. They were, in fact, not only the witnesses to acquit but had been the cause of this single admitted fact. While her majesty resided in this country she courteously threw open her doors to the peers of England and their families. She graciously condescended to court their society, and, as long as it suited certain purposes which were not hers—as long as it served interests in which she had no concern—as long as she could be made subservient to the ambitious views of others—she did not court in vain. But when a change took place—when those interests were to be retained, which she had been made the instrument of grasping—when that lust of power and place to which she was doomed to fall a victim had been satisfied—then in vain did she open her doors to their lordships and their families; then it was that those whom she had hitherto condescended to court—and it was no humiliation to court the first society in the world—abandoned her. Her majesty was then reduced to the alternative of begging society in this country as a favour, or of leaving it. She could not, by humbling herself, have obtained the society of British peeresses, and must have sought that of other classes, or gone abroad. Such, then, being the circumstances, it was not in the presence of their lordships that he expected to hear the queen reproached for going abroad. It was not here that he had thought any one would have dared to lift up his voice, and make it a topic of censure that the Princess of Wales had associated with foreigners—with some whom, perhaps, she might say she would not, and ought not to have chosen under other and happier circumstances.

"Up to this period her majesty had still one pleasure left. She enjoyed, not indeed the society, but the affection and grateful respect of her beloved daughter. An event, of all things most grateful to a mother's feelings, soon after took place—the marriage of her beloved daughter. Of this event

her majesty received no announcement. Though all England was looking towards the approaching event with the deep interest it was so well calculated to excite—though all Europe was looking at it with the liveliest feelings, and with all the knowledge of the interesting event which was about to take place—still there was one person, and one only, left in ignorance of the whole proceeding, and that solitary individual was the mother of the bride. All that she had done up to that time to deserve this treatment was, that she had been charged, and afterwards acquitted, of an alleged crime, and her perjured persecutors rendered infamous; and this treatment she received from his majesty's servants, some of whom had risen into power by having made her a tool to promote their own interests. The queen heard of the event of the approaching marriage of her only child accidentally; she heard it from a courier, who was going from this country charged with a notification of it to his holiness the pope—that ancient, intimate, and much-valued ally of the Protestant crown of England! The marriage of her daughter took place; it excited the sensations which it was so well calculated to produce, as the promised source of so much happiness to the royal family and the nation. The whole of that period passed without the slightest communication being made to the queen. The period of the Princess Charlotte's *accouchement* arrived; her mother was then fearful of opening a communication upon the subject, knowing the agitation it might create in the mind of her beloved daughter. She knew at such a moment the perilous results that might follow to the beloved object of her maternal solicitude, were she at that period to create any agitation in her mind upon a topic, which might expose her to a quarrel with power and authority on the one hand, or combat her peace and affection on the other. An event followed which destroyed for ever the hopes of the country—an event which filled all England with grief and sorrow, and with a mourning in which all their foreign neighbours unaffectedly sympathized. With a due regard for the sympathy of foreign powers, the sad tidings were rapidly conveyed to each of the allies of Great Britain, to every power and state connected with her, and to some that were not. But to the queen, again, no communication was made. She who, of all the world, had the deepest interest in the event—she whose feelings must necessarily be, of all mankind, the most overwhelmed and stunned by the awful communication, in any manner in which it could be made—was left to be so stunned and overwhelmed by hearing by accident of the death of her daughter, as she had by accident heard before of her marriage. If she had not heard the

dreadful news by accident, she would ere long have felt its occurrence, for the death of the deceased daughter was soon conveyed to the agonized mother by the issuing of the Milan commission, and the commencement of that process against her honour, station, and character. How wretched was not the lot of this lady, as displayed in all the events of her chequered life! It was always her said fate to lose her best stay, her strongest and surest protector, when danger threatened her; and, by a coincidence most miraculous in her eventful history, not one of her intrepid defenders was ever withdrawn from her, without that loss being the immediate signal for the renewal of momentous attacks upon her honour and her life.

"Mr. Pitt, who had been her constant friend and protector, died in 1806. A few weeks after that event took place the first attack was levelled at her. Mr. Pitt left her as a legacy to Mr. Perceval, who became her best, her most undaunted and firmest protector. But no sooner had the hand of an assassin laid prostrate that minister, than her royal highness felt the force of the blow by the commencement of a renewed attack, though she had but just been borne through the last by Mr. Perceval's skilful and powerful defence of her character. Mr. Whitbread then undertook her protection, but soon that melancholy catastrophe happened which all good men of every political party in the state, he believed, sincerely and universally lamented; then came with Mr. Whitbread's dreadful loss the murmuring of that storm which was so soon to burst with all its tempestuous fury upon her hapless and devoted head. Her daughter still loved, and was her friend; her enemies were afraid to strike, for they, in the wisdom of the world, worshipped the rising sun. But when she lost that amiable and beloved daughter, she had no protector: her enemies had nothing to dread: innocent or guilty, there was no hope, and she yielded to the entreaty of those who advised her residence out of this country. Who, indeed, could love persecution so steadfastly, as to stay and brave its renewal and continuance, and harass the feelings of the only one she loved dearly, by combating such repeated attacks, which were still reiterated after the record of the fullest acquittal? It was, however, reserved for the Milan commission to concentrate and condense all the threatening clouds which were prepared to burst upon her ill-fated head: and, as if it were utterly impossible that the queen could lose a single protector without the loss being instantaneously followed by the commencement of some important step against her, the same day which saw the remains of her venerable sovereign entombed—of that beloved sovereign who was from the outset her constant

father and friend—that same sun which shone upon the monarch's tomb, ushered into the palace of his illustrious son and successor, one of the perjured witnesses who was brought over to depose against her majesty's life. Why did he mention these melancholy facts to their lordships? Was it to illustrate the trite remark of the miserable subserviency of trading politicians? Was it to show that Spite was the twin-brother of Ingratitude, and that no favour could bind those whose nature was peevish and bad? that favours conferred, only made base passions more malignant against a benefactor? No; to dwell upon so trite a remark would indeed be futile and unnecessary in the presence of their lordships. But he said it to impress upon their lordships a deep sense of his own unworthiness to perform this duty to the queen, an unfeigned consciousness of his inability to follow such powerful men as he had named in the defence of this illustrious individual, and to assure their lordships how deeply sensible he was of his want of power to make for his illustrious client that conclusive and irresistible defence on this occasion, which, were they alive, and filling their wonted duty, they would not fail to do, to the utter discomfiture of her majesty's enemies.

"Before he proceeded further in the results to which he was prepared to contend the details of the evidence in this case must lead, he must beg to call their lordships' attention to what that evidence did not do. He meant to point out the parts of his learned friend the Attorney-general's opening statement, which, instead of receiving support from the evidence, were either not touched upon by it at all, or actually negatived out of the mouths of his own witnesses. His learned friend should speak in his own words his statement of the plan and construction of his own case. It was most material also for them to bear in mind, that his learned friend was in his statement directed by the instructions which were put into his hands, for his speech ought, of course, to be considered as the mere transcript of his instructions, the mere outline of the documents submitted to him—documents prepared too in a way which nobody need be at any loss to guess. His learned friend, nearly in his commencement, used these words—'I will most conscientiously take care to state nothing which in my conscience I do not think—I do not believe—I shall be able to substantiate by proof.' He need not have so strongly appealed to his conscience, for he (Mr. Brougham) fully believed him when he said he spoke from his instructions; he readily believed that he spoke from his brief, and said nothing else but what he found in his brief. He believed that, at the

time his learned friend made his opening statement; he equally believed it now, when he had failed in substantiating that statement by proof. He knew full well that there was no other way for that statement to have got into his learned friend's brief but out of the mouths of the witnesses, who at first had not hesitated to garnish their stories, though they were not afterwards found hardy enough to adhere to their falsehoods when brought to their lordships' bar. When they came to the point, they were scared from their first statements.

"He would read a few samples of the difference between the Attorney-general's statement and his subsequent evidence, for the purpose of showing the value at which their lordships ought to estimate that evidence. In the first, his learned friend had pledged himself that the evidence of her majesty's alleged impropriety of conduct would be brought down almost to the present time; but subsequently he did not attempt so to bring it down during any part of the last three years, that is to say, during a space of time exactly equal to the other space over which his evidence actually adduced extended. Here he begged leave to revert to the following passages of the Attorney-general's opening statement, which he took from the short-hand writer's notes:—'On the arrival of her majesty's suite at Naples, it was so arranged that her majesty's sleeping-room was at an opposite side of the house to that of her menial domestics, among whom was her courier. On the first night of her majesty's arrival at Naples, (the 8th November,) to which he had called their lordships' attention, this arrangement was continued. Pergami slept in that part of the house which had been prepared for the domestics, and young Austin slept in her majesty's apartment. But on the following morning, November the 9th, the servants of the establishment learned with some surprise, because no reason appeared to them for the change, that Pergami was no longer to sleep in that part of the house where he had slept the night preceding; but that it was her majesty's pleasure that he should sleep in a room from which there was a free communication with that of her majesty, by means of a corridor or passage.'—'Upon the evening of the 9th of November her majesty went to the opera at Naples, but it was observed that she returned home at a very early hour. The person who waited upon her, on her return, was the maid-servant whose duty it was particularly to attend to her bed-room.'—'The female servant retired; but not without those suspicions which the circumstances he had mentioned were calculated to excite in the mind of any individual. She knew, at the time, that Pergami was in his bed-room, for this was the first night

of his having taken advantage of the arrangement which had been previously made. It was quite new, on the part of the princess, to dismiss her attendants so abruptly; and when her conduct and demeanour were considered, suspicions arose which it was impossible to exclude. But if suspicions were excited then, how were they confirmed on the following morning? If I prove (said the Attorney-general) by evidence at your lordships' bar, what I am now going to state, I submit that there will then be before your lordships, evidence on which no jury would hesitate to decide that adultery had that night been committed between this exalted person and her menial servant; for, upon the following morning, on observing the state of her room, it was evident that her majesty had not slept in her own bed that night. Her bed remained in the same state as on the preceding evening, while the bed of the other person had, to those who saw it, clear and decisive marks of two persons having slept in it.'

"Their lordships would perceive, that every one of these assertions in his learned friend's speech, rose one above the other, in successive height, according to their relative importance, and that even the lowest of them it was of essential importance to sustain by evidence for his case. But every one of them he not only failed to prove, as he promised to prove, by evidence, but he actually negatived some of the most material of them by the witness whom he produced at the bar evidently for the purpose of substantiating them. When the witness Demont was at the bar, he repeatedly asked her respecting these parts of his statement; but she, who was destined to tell of them all, denied any knowledge of where the queen went on the particular night alluded to. She denied that she knew where the queen went after she left her bedroom. When asked whether the queen on that particular morning rose at her usual hour, her answer so far from confirming the opening statement, was affirmative of her majesty having got up about her usual hour. Nor did she know of any body having called to pay visits in the course of that morning, though pointedly asked, for the purpose of speaking to all the facts so forcibly urged in the Attorney-general's statement.

"In the next place, when either the Attorney-general, or his colleague, the Solicitor-general, spoke of the passing occurrences in Italy, they evidently spoke from their instructions, and not from any personal knowledge of their own upon the manners of the country; for symptoms of having ever been in Italy, they showed none. They had clearly never been there, or else they could not have spoken of the manners of Italy as they had done. For instance, see what they had said about

the masquerade and the Casino, which was the sort of society from which Colonel Brown was lately ejected: 'Who ever,' said the Solicitor-general, 'was seen for any proper purpose going to a masquerade in this sort of disguise?' What a pity that her majesty did not, to suit the view of his learned friends, go to the masquerade in a state-coach, with coachmen in splendid liveries, with lacqueys bedizened out from head to foot with all the pomp and show of state ceremony. What pity she did not, on such an occasion, adopt this suitable and becoming state paraphernalia, instead of quitting her house in a private coach, instead of going out through a back-door. Why had she not the eyes of the world upon her when she went forth, instead of quietly passing without pomp or show? It was a wonder that his learned friend did not go on and say, 'Why did she go in a domino and disguised cap to a masquerade? who ever before heard of this disguise on such an occasion?' How little did his learned friends know, when they talked in this manner, of the royal recreations of Murat's court?

"He would refer to another part of his learned friend's speech, where he said that 'During her majesty's residence at Naples another circumstance took place to which it was his duty to call their lordships' attention. A masquerade was held at a theatre called, he believed, the theatre of St. Charles. To this entertainment her majesty chose to go in a very extraordinary manner, accompanied, not by Lady Charlotte Lindsay or Lady Elizabeth Forbes, or even by any of the gentlemen of her suite, but by the courier Pergami and a femme-de-chambre of the name of Demont. The dresses chosen by her majesty for herself and her companions to appear in on this occasion were, as he was instructed, of a description so indecent as to attract the attention of the whole company, and to call forth marks of general disapprobation. Indeed, so strong was the disapprobation, that her majesty, finding she was recognised, was under the necessity of withdrawing with her companions from the entertainment, and returning home.' Now, what did Madame Demont say, when called upon to describe this 'most indecent and disgusting dress' of her majesty? Why, all that the perseverance and ingenuity of his learned friend could extract from the witness (no very unwilling one) was, that the princess, on that occasion, wore what she (Demont) called 'ugly masks;' for, strange as it might appear to his learned friends, she went to the masquerade in a mask! Indeed, if she had not gone so, she would have had no business there.

"He should, he feared, greatly fatigue their lordships,

were he to go over the whole of the numerous parts of his learned friend the Attorney-general's speech which were left utterly unproved by the evidence. They would recollect that the Attorney-general stated he had evidence to prove that the queen and Pergami were for a considerable time locked up together in a room at Messina in the night, and that the sound of kisses was heard from within: it now turned out, that only voices were heard, and of whom the witness could not say! It was also stated, that on the 12th of April—(for their lordships would observe his learned friend never forgot dates—his particularity was in this respect remarkable;)—on the 12th of April, at Sadouane, he had stated that the access to the princess's room was through Pergami's, in which no bed was. But passing over this and a number of ineffectual attempts to obtain answers from Demont, in conformity with the statement, he would recall their lordships' attention to the statement of the allegations which it was intended through Majocchi to substantiate. His learned friend had said 'that the princess remained in Pergami's bed-room a considerable time, while he was sleeping there, and the witness then distinctly heard the sound of kissing.' Now what did Majocchi himself say in this part of his testimony? He distinctly said that she remained the first time about ten minutes, and at another time fifteen minutes,' and he only heard 'whispering.'

"Then, again, in Sacchi's evidence, who was the courier that brought the answer back to Milan, which he was to deliver to Pergami, by Pergami's own order, at whatever hour of the night he returned,—his learned friend stated, that the courier, (which courier was Sacchi,) on repairing to Pergami's bed-room, did not find him there, but soon after observed him coming from the direction of the princess's room; and that Pergami then told him the cause of his being out of bed then was, having heard his child cry, and that he had gone to see what was the matter. But when Sacchi was brought to give his evidence, not a word of this came out in answer to the repeated questions put to him to elicit such a corroboration of the statement. Then came next in order the disgraceful scene which was represented to have occurred at the Barona; so disgraceful, that his learned friend declared it made the place in which it was transacted deserve rather the name of a brothel than of a palace. His learned friend asserted, when he gave it this designation, that he was prepared with the most entire and satisfactory proof to show, that so disgusting was the scene, the servants became shocked by what they were obliged to witness.

"Her majesty, according to the Attorney-general, had become at this time deserted by all the English persons in her suite. These were the words of his learned friend:—'It was certainly very singular, that on leaving Naples her majesty was abandoned by the greater part of her English suite. Mr. St. Leger, it was true, had quitted her before; he left her at Brunswick, and he therefore admitted, that no inference could be drawn from his case. But, on her majesty's departure from Naples, Lady Charlotte Lindsay and Lady Elizabeth Forbes were left behind. No, he begged pardon, Lady C. Lindsay did not leave the queen until they were at Leghorn, in March, 1815. At Naples, however, Lady E. Forbes, Sir W. Gell, the Hon. Mr. Craven, and Captain Este, certainly did separate from her. Thus, of the seven persons who composed her majesty's suite when she left this country, no less than four left her in Naples.' But his learned friend forgot that, of these persons whom he so hastily dismissed from her majesty's service at Naples, she was afterwards joined by Lady Charlotte Lindsay. How did it happen, he would ask, if the princess's servants had become so shocked at the occurrences at the Barona, that they never communicated their astonishment to the servants of Lady C. Lindsay, with whom they were in hourly communication? Was it likely that such feeling, if it pervaded the servants, would be kept as a grave-like secret from first to last by those who were the depositories of it? But, after Lady C. Lindsay joined the princess, Lord and Lady Glenbervie came, Lady C. Campbell came, and others equally honourable and equally virtuous; and yet, notwithstanding the servants were, as it were, astounded by the practices then occurring at the Barona, there was not one whisper to the servants of the English personages of rank who rejoined her royal highness as part of her suite. These joined her royal highness after the scenes at the Barona; some met the princess at Naples, some joined at Rome, others at Leghorn. Aye, at even much later periods her majesty was attended by illustrious company. The queen's company, in fact, became rather improved than neglected, at the time alluded to. She was constantly received, and with suitable respect, after her return from the long voyage. She was courteously received by the legitimate sovereign of Baden, and the still more legitimate Bourbon of Palermo. She was courteously treated by the legitimate Stuarts of Sardinia, whose legitimacy stands contradistinguished from the illegitimacy of the family whose possession of the throne of these realms stands upon the basis of public liberty and public rights. She was received even by a prince who ranks higher in point

of legitimacy—the Bey of Tunis. She was also received with the same respect by the representative of the king of Constantinople. In fact, in all those countries she met with that reception which was due to her rank and consideration.

"He trusted their lordships would suffer him now to dwell more minutely upon the statement of the case as opened by the Attorney-general, and the case as proved by his learned friend. The case, as opened, it was of no little importance to dwell upon. Was it not marvellous to have such a case, and to be capable of adducing in support of it such witnesses? Was it not, in the next place, more marvellous to find that such a case was left so miserably short, as it must be admitted this case was left, in comparison between the evidence and the opening statement? In the ordinary cases of criminal conversation, the two very witnesses who of all others were deemed of the utmost importance were the female's woman in attendance, and the man's body-servant or serving-man. These were the servants who must know the fact, if the criminal conversation took place. They had these witnesses here; they therefore had their case under the most favourable auspices—they had the man's valet, and the woman's maid. These, in an ordinary case, would be deemed conclusive witnesses. The man's servant was rarely to be had for the prosecution, from the nature and manner of the action; but, if counsel could get the female servant, they generally deemed their case proved. They had also, if their case were true, the very extraordinary, unaccountable, and unprecedented advantage of having parties to proceed against for the fact, who, from beginning to end, concealed no part of their conduct under the slightest or even most flimsy disguise. Throughout the whole of the proceedings these parties, knowing they were watched, discarded all schemes of secrecy—showed an utter carelessness of the persons who were watching them—threw off all ordinary trammels—banished from their practice every suggestion of decorum and prudence—and, in fact, gave themselves up to the gratification and indulgence of their passion, with that warmth which is only found in the hey-day of young blood, and with that utter indifference to reserve which marks the conduct of those who are joined together in those bonds which make the indulgence of their passion rather a virtue than a crime. There was no caution or circumspection here. If they believed any one part of the evidence relied upon by his learned friend the Solicitor-general, there was not only no caution used by the parties to prevent discovery, but every thing which the most malignant accuser could require to

fortify his case was left open by the parties who were to suffer by the proof.

"He entreated their lordships to observe how every part of the case was left open to this remark; and, after having entreated them to bear it in mind, and apply it hereafter when they came to consider the evidence, he should simply observe, that just in proportion as the conduct became criminal, and of the most unquestionably atrocious nature and character, exactly in the same proportion would the parties be found to have taken especial care that during their commission of the act they had present, and seeing it, good witnesses to detect and expose them for their conduct. Thus it would be seen that they were sitting together in familiar proximity. The act is also seen with the addition of the lady's arm round the neck, or behind the back of her paramour. When it is necessary to trace their conduct a step higher in the scale of criminality, and to exhibit the parties in such an attitude as to leave no room for explanation or equivocation, the act is done, not in a corner, apart from any scrutinizing eye, but in a villa filled by servants, and where hundreds of workmen are at the very time employed; and all this too is done, all this saluting is performed, in open day, and exposed to the general gaze. Especial pains are taken that the slander shall not be secret, but, on the contrary, that it shall be liable to the most widely-diffused publicity. It would not do that Pergami, upon his departure on a journey from the queen, while in Sicily, should salute her majesty before the servant entered the room. No; the exhibition of that act was reserved for the presence of a servant to tell it. The same was the case in the story about Terracina. All the parties were on deck; they could not take the salute in their own cabin; it must be delayed until Majocchi enters to witness it. Even the act of sitting upon Pergami's knee upon the deck is adjusted in the presence of the crew and passengers. Care is taken that it shall be directly seen by at least eleven persons. The frequent and free saluting on the deck, which, when committed in a particular manner, must leave little doubt of the subsisting intercourse between the parties—even that must be done, not at night, nor in the dark and privacy of the cabin, but before every body, and in open day.

"But the case which their lordships were called upon to believe was not left there, for the parties were represented as having taken the indispensable precaution of granting even the last favours within the hearing of witnesses. They were described as habitually sleeping together in all their journeys by

land and sea. She could not even retire to change her dress but Pergami must attend in the dressing-room—first, of course, the parties taking care to have a witness present to speak to the fact. He could not dwell with calmness upon the representation of these disgusting scenes, with the peculiar features of enormity which were attached to them, without repeating, that exactly in proportion as they partook of the most aggravated character, and denoted an utter contamination of the mind, precisely in that extent were increased pains taken that they should not be done in a corner. No hidden places or recesses were selected or chosen by the parties for the free and safe indulgence of their passion from the prying eyes of those about them. They sought no secluded chamber in those places of abomination so well known upon the continent, and which are disguised under the dignified name of palaces. The parties took no opportunity of seeking those hidden haunts of lust which might have been so hastily found. They sought no island among those which were the seat of such scenes in the times of antiquity, when society was less scrupulous of the conduct of its members than now. They sought no haunts among the Capreæ of old, to revive in them those lascivious acts of which they were the ancient scene. They acted, on the contrary, before witnesses—they conducted themselves in open day-light, in the face of couriers, servants, and passengers. Was such folly ever known before in the history of human acts? Was ever folly so extravagant disclosed in the most unthinking acts of that youthful period when the blood boils in the veins? Was ever, even then, in that proverbial period of thoughtless levity, a being so recklessly insane as to have acted in this manner? There never was, he believed, such an instance in the history of human passions.

"The conduct of the parties did not stop here; for lest the witnesses who saw the acts might not be easily forthcoming for the enemies of the accused, they were every one of them discarded by the person who was to be the victim of their testimony. They were successively dismissed either for cause or without it—indeed, he might say, most of them without it, for the cause stated was of the flimsiest kind. This dismissal was followed by a positive refusal to take them back, when every human inducement would have prompted the queen to have permitted their return, if she had any reason to dread their resentment. Each of the witnesses who had to perform a part in the Italian drama was successively dismissed, and this at a time when the queen was aware of the proceedings that were pending against her, and of course was interested in whatever testimony they had to give. But was this

all that the queen had done to show her utter disregard for the efforts of her accusers? Did she not face them, when she might easily and honourably avoided their malice? When that opportunity was afforded her majesty, she was counselled and implored to pause and reflect upon the opportunity then offered to her—she was warned to consider before she faced her enemies—she was entreated to bethink herself well before she ran into her case: and what had been her conduct? Her instant determination was to come here to England without delay, and confront her enemies. Up to the last moment her conduct displayed the same magnanimity; up to the last moment she refused the offer of a magnificent retreat, which would have enabled her not only to indulge whatever propensities she pleased without control, but even to move abroad with the safeguard and vindication of her honour formally pronounced by the two houses of parliament. If this were the conduct of guilt, then all he could say was, that it was the most extraordinary instance of its display which he had ever heard or read of. If these were the means to which vice adhered, then he could only say, they were not to be traced to any known spring of human action.

"With respect to the manner in which the proof of the case had been left, he was bound to remark, that it was left in such a manner as would be deemed fatal in any ordinary case. Such a statement was unparalleled. Nothing could be more distant from his intention, than to ascribe a motive too like that motive which was commonly attributed on the other side. Far was it from him to attribute the formation of a conspiracy against the life or dignity of the queen to any individuals, however high in rank or notorious in power: but if an irregular course had been pursued, to whose account was that irregularity to be laid? On the contrary, all the specimens of their forthcoming evidence were, as far as already admitted or understood, altogether equivocal and ambiguous. Well might their lordships cordially agree to this measure, if they looked not to after-consequences. He would not say that it was a conspiracy against her majesty; but he would say that no set of conspirators (be they who they might) could have marked out a common story answerable to their purpose other than that which had been pursued through the entire preparations of the business. They could not do better than get rid of this bill of pains and penalties. Their lordships would of course look to the evidence, and examine and sift it, as to its solid worth, long before they could form a disposition (to say nothing of judgment), independent of what had appeared in evidence at their own bar. Now, then, when he

ventured to allude to what was called, on the other side, minute and circumstantial evidence—when he approached that subject of all delicacy—those points on which the Attorney-general seemed to feel so sore—on the first blush of such evidence; let the merits of this evidence be fairly discussed, let it be examined, let the whole matter be fairly canvassed. But if it were possible that a grave and serious design were accidentally formed amongst any set of individuals; if it were possible that a design (far was it from him to say a conspiracy)—if it were possible for a design, and not a conspiracy, to be so formed; if it were possible that, with an artificial avoidance of that name, all its effects were realized, how then would their lordships be disposed to look at this mighty question? What was the general character of that evidence? Their lordships well knew—the world at large also knew—that the first act, the prime resource, of those who directed their aims against domestic happiness, was the corrupting of menial servants. He did not charge that description of persons with any general disposition to commit crimes; it was enough for him to bring before their lordships the undoubted, the incontrovertible evidence, although facts were sworn to, which facts in their own nature admitted of no disproof. Never before had the private peace of any individual been so assailed. It was not usual thus to expose the domestic circumstances of any family, or to trespass upon private comfort in a way so careless.

"Undoubtedly their lordships had been well advised, well persuaded: they had indisputably proceeded on reasons equally firm and obvious when they excluded her majesty from some of those advantages possessed by every other subject of this realm. Evidence such as it was, that had already been produced, was of a description quite singular, exclusive and appropriate. The witnesses produced at their lordships' bar, in support of the charges made by Mr. Attorney-general, were indeed involved in a sad confusion.

"Their lordships would have the kindness and the attention to dwell on this part of the subject. Were menial servants—were persons who had for a long time acted in that capacity—were these, and he pressed the question on their lordships, fair witnesses in a court of equity, or in any assembly proceeding upon moral rules? He was, he could assure their lordships, as much disposed to respect the sanctimony of an oath, even when taken by foreigners, as any individual in the land. He respected the sanction when it came from the mouths of his countrymen, and he respected it also from the mouths of foreigners. But if there was a community in

Europe stigmatized and degraded below the average estimation of European communities—and he could assure them that he meant no disparagement to the Italian character in general—many were the proofs, or testimonies, on this occasion. What! were the peers of England to be thus engaged, day after day, and month after month? What was the real character of this evidence? The witnesses advanced, and shown at the bar of their lordships, were witnesses extracted from a foreign land, imported at a prodigious expense, and under none of those restraints which pressed upon witnesses chosen from the mass of the community at home, and retiring, after making their depositions, into the bosom of that society. This was not the sort of testimony with which the people of England would be satisfied; it was not testimony that could satisfy their lordships. He knew them too well to suppose that feeble or imperfect evidence would ever be received by them as a fair ground of proceeding with a bill of "pains and penalties." Such a proceeding could only be compared or assimilated to prosecutions and trials in periods long gone by, under a reign bearing, in some of its features, no distant similarity in some respects to the present. All that malice, all that interest or power could devise, was tried during the reign of Henry VIII., both in England and in Italy. In the present case, they had an immense production of evidence, all of an unusual kind, and forming a singular and extravagant contrast with that species of evidence which his learned friend (the Attorney-general) had given them reason to expect. But, instead of fulfilling these expectations, what had actually occurred? Many of the statements, strange and incredible as they were, became much more so as detailed from the lips of the witnesses. Let their lordships fairly look at the means used in the collection of such evidence. Actual power, developing itself with a liberal hand, had been busily at work. It was not the wide hand, or open purse—no, not even the most precious streams of royal bounty, which had perhaps overflowed upon this occasion—that had produced all the effects which they were now considering.

"There was reason to suppose that power had been exercised as well as influence, and compulsion applied where other motives might not prevail. What was, in fact, the description of evidence adduced on the other side? In the first instance, it appeared that witnesses (designed originally for that distinguishable character) had been on divers occasions transformed into messengers; he would not call them by any harsher name. Keeping, as this their new capacity enabled them to do—he meant their lesson—steadfast in their minds, where was the

wonder that they should ultimately join in the same story? How after so many interviews, such long-continued social intercourse, and the exchange of so many mutual affections, could they be conceived to state any thing in itself incongruous or discordant? Accordingly they seemed to have certain facts treasured up, embalmed as it were in a perpetuity of recollection; although, when tried upon other topics, or when their attention was drawn to other circumstances, equally memorable, the faculty seemed to have abandoned them. Their leading man, the captain of this horde of witnesses, the great delineator of the plan of accusation, Majocchi, the renowned Majocchi, himself testified to what? To any positive act of criminality? Oh, no! What, then, did he testify to? any thing which by a liberal or judicious mind could be admitted as indicative of criminality? Strange it was, but important to be observed, before he entered upon a closer examination of this person's declarations—of the statements of this true and faithful creature—well did it deserve to be noted, that even his testimony fell far short of the charges as set forth by Mr. Attorney-general. He conjured them also to bear in mind that there was not one of the witnesses who had appeared at their bar, who had not previously been examined, and who had not made some deposition before the Milan tribunal. Let them now then well mark the distinction; let them contrast with these persons the rank, station, character, and conduct, of those individuals to whom, indeed, Mr. Attorney-general had alluded in his opening speech, but whom he did not choose to call in support of his allegations. Not one of the witnesses on the other side, not one of the persons employed to destroy the reputation of a Queen of England, not one was to be found who had not gone through the discipline and drilling of a Milan tribunal. At that great receipt of perjury—(and he meant nothing disrespectful to any particular member of the commission)—but at that storehouse of false-swearing, and all iniquity, was every witness against her majesty the queen regularly initiated. How could it be regarded as necessary, with a view of purifying evidence, that it should first undergo a drill at Milan? However captious some persons might be inclined to appear, he doubted whether they would require a probation of this sort. But, indeed, it had turned out not only that witnesses had been long kept in England, but that many had been maintained on the opposite coasts of Holland and France. It appeared, too, that they had been maintained at an enormous rate, far beyond every rule of proportion that ought to have been observed. Sacchi, who had filled a post abroad, not above the office of a servant in his most pros-

perous days, lived in splendid idleness for a long time in England, enjoying for that period the luxury and attendance of a field-marshal. Why were the witnesses on the other side thus concealed, or thus entertained? Small indeed had been the services of these people when they were thrown into the balance, and compared with their remuneration. Was it not also a matter well entitled to their lordships' attention, that these witnesses should have been cooped up together, week after week; that they should have been forced into intimate society, and their motives necessarily brought into resemblance, and their objects in some degree identified? It was remarkable, too, that they were sorted, not so much with reference to the countries from which they came, or the languages in which they expressed themselves, as with regard to the depositions which they were to make. It was not his wish to pass any censure upon this rare *contubernium*, the select society of Cotton-garden. Imprisoned as its members were, they were rather objects of commiseration than of angry invective. Strangers to this land, knowing as little of their lordships as their lordships cared about them, what did their evidence, fairly weighed, amount to? It had indeed been contended that Italian evidence was as respectable, was of as high authority, as evidence derived from any other source. In order, then, to form a clear estimate—to introduce some light on this subject, he would refer to opinions entertained and to views taken in other times, and in alluding to which he could not possibly be supposed to indicate the slightest analogy with any occurrences of the present day.

"When he selected the reign of Henry VIII., he was sure that their lordships would join him in regarding that as the era most fertile in precedents for the measure now before them; but which did not, he believed, afford a complete precedent for it in any point of view. Yet it might be curious to inquire, what was the estimation of Italian evidence throughout Europe at that time of day. It was upon record, it rested on the best historical authority, it was transmitted under the sanction of the names of eminent Italian jurists, that witnesses might be found in that country at a pretty cheap rate to authenticate or controvert any story. The grave doctors of the University of Bologna declared, after a solemn council, and by a decree which they subscribed *sigillatim*, that having well and maturely considered the whole matter between Henry VIII. and Catherine of Arragon, they were of opinion, that his majesty the king of England ought to be divorced from his wife. There was at that time something in existence not very unlike a late commission at Milan—an institu-

tion for drilling witnesses previous to their exhibition in open day. Could he look at such witnesses, and not feel how applicable to them was the language of a great orator and philosopher of antiquity, when describing individuals not very dissimilar, and when alluding to the absence of that kind of testimony which was most desirable :—' *Sunt in illo numero multi boni, docti, pudentes, qui ad hoc judicium deducti non sunt : multi impudentes, illitterati, leves ; quos variis de causis video concitatos. Veruntamen hoc dico de toto genere Græcorum : quibus jusjurandum jocus est : testimonium, ludus : existimatio vestra, tenebræ : laus, merces, gratia, gratulatio, proposita est omnis in impudenti mendacio.*" To come, however, to that period of our own history to which he had already alluded, it might be of importance to remind their lordships of some circumstances which had been carefully preserved by a most faithful and honest historian. The author in question was Bishop Burnet, a man whose minuteness and accuracy of narrative were alike admirable. At that time it was deemed politic by the English government to institute certain inquiries in Italy. They were conducted under the superintendence of a gentleman, who, he had no doubt, if now living, would be described by his learned friend, the Solicitor-general, as being a most profound and skilful person, eminently conversant with the laws of his country, and whose name by a strange coincidence, happened to be Coke. No doubt he was a man of the utmost probity, and extremely learned in the law ; but his commission and achievements in Italy were now matter of historical discussion. Let them hear, then, Bishop Burnet. These were the terms in which he spoke of the mission, and of the way in which it was executed :—' But Coke, as he went up and down procuring hands, told those he came to, that he desired they would write their conclusions, according to learning and conscience, without any respect or favour, as they would answer it at the last-day ; and he protested that he never gave nor promised any divine any thing till he had first freely written his mind, and that what he then gave was rather an honourable present than a reward.' In a letter to Henry VIII. himself, the same worthy person thus wrote—' Upon pain of my head, if the contrary be proved, I never gave one man a halfpenny before I had his conclusion to your highness, without former prayer or promise of reward for the same.' Thus they found that, even at that time, the distinction of the civil law between reward and compensation was clearly recognised. Amongst the despatches then sent from Venice by Mr. Coke to the British government were some rather singular and instructive speci-

mens of diplomacy. It was matter of amusement to attend to the account rendered by this individual on one occasion. What he was about to quote before their lordships, in the way of general illustration, was the copy of an original bill of expenses, or rather a part of it, audited and signed by Peter a Ghinucciis :—' Item, to a Servite friar, when he subscribed, one crown; to a Jew, one crown; to the doctors of the Servites, two crowns; item, given to John Maria, for his expense of going to Milan, and rewarding the doctors there, thirty crowns.'

" In another letter, the same excellent missionary thus expresses himself :—' Albeit I have, beside this seal, procured unto your highness 110 subscriptions, yet it had been nothing in comparison of that which I might easily and would have done; and at this hour I can assure your highness, that I have neither provision nor money, and have borrowed a hundred crowns, the which are spent about the getting of this seal.' But on the subject of Italian evidence there was authority even yet more direct, and less susceptible of controversy. There were numerous individuals, natives of that country, whom he had the satisfaction of knowing, and for whose characters he cherished an unfeigned esteem. But when he had to speak of the commonalty, and especially with a view to the sin of false-swearing, it was hardly necessary for him to dilate on the notorious facility with which they could allege what was false, or deny what was true. Italy had been described by one who knew it well—its language, its manners, and its morals—as that part of the world in which, if remorse could be thrown away, every end might be easily attained—that was, every end which depended on perjury or fabrication. He was, however, drawn aside from the immediate question, and for this digression he craved their lordships' pardon. The aim of his preceding observations had been to impress on their lordships' attention the extraordinary nature of the evidence in this case. There was, indeed, in that evidence a most surprising conformity; but it was a conformity most unfavourable to the statement of the Attorney-general. His learned friend had made a statement which had no support in the testimony of his own witnesses. Who amongst their lordships could forget the story of Mahomet, and of Mahomet's exhibition, as described in the opening speech of the Attorney-general? He had been represented as a man of brutal and depraved manners, and as exhibiting the most indecent gestures; as actually imitating the sexual intercourse, in order to furnish amusement to her royal highness. This was a statement which seemed to point to evidence of the most damning

kind; it was a statement, too, which effort after effort had been made to substantiate, and in vain. The result of all their inquiries was to prove, that the exhibition so described was nothing more than one of those common displays of buffoonery which had been often witnessed by the purest and most virtuous of those wives and daughters whom it was the happiness of their lordships to possess. Majocchi, the chief witness on the other side, did not even pretend to insinuate, that Mahomet's performance had any thing improper or indelicate about it. With all the Solicitor-general's dexterity of investigation, he had not been able to show Mahomet, the buffoon, in one indecent attitude. Even when the trying question was put with regard to the state of the man's trowsers, what was the answer? why, that they were as usual, that his dress was not at all disordered. Here, then, was an elaborate attempt utterly defeated.

"Their lordships, for reasons best known to themselves, but for reasons, he doubted not, that were dictated by consummate wisdom, and which they had not proceeded on till fully enlightened by experience, and a careful review of all the precedents which could bear upon the present case, had prevented him from animadverting on this failure so soon as he should otherwise have done. He felt happy, however, in the confidence that their lordships could never have intended to prejudice the cause of her majesty. No doubt that, when they so resolved, it was from having already made up their minds to join in the unanimous verdict of acquittal, which the country at large had already pronounced. The story of the Attorney-general had never even been dreamed of by his own Italian witnesses. It was too wild and incredible for individuals, who had been brought here from abroad, and removed from the situation of couriers to a state which many landed proprietors might envy.

"Signor Sacchi, or Sacchini, had, it appeared, been living in this country, attended by his man-servant, and at the rate of at least 400*l.* or 500*l.* a year. This was an income which in Italy would be equivalent to 1,400*l.* or 1,500*l.* Their lordships had seen how he was dressed, and had also heard him state that, although he had descended to the office of a courier, he had always been in easy circumstances. It was not surely difficult to form a right estimate of such testimony. The pay or remuneration—and he would call it the hard-earned pay—of the captain and his mate, had astonished all mankind; had astonished them in consequence of that publication of their proceedings, which, in contradistinction to every ordinary rule, they had thought proper to allow. He would not, how-

ever, dwell upon topics so unpleasant at any greater length. He should have stood with confidence and steadiness upon his main ground of defence, even if there had not been so great a blank in the evidence—so scanty a supply, as compared with the mighty promise. The defence would have been entire and complete, although the Attorney-general had adduced evidence corresponding with all the minuteness of his statement. If that statement could be at all borne out—if the topics which it embraced were such as could be with any propriety alluded to, how were they to account for the absence of those ladies whose separation from her majesty's retinue had been held up as a fact at once important and decisive of the question? They were persons of rank, known in their own country, and esteemed and loved in proportion as they were known; they were persons on whose reputation not even the vestige of a shadow had ever rested. But the Attorney-general called no one of them. There was not, however, a judge at the Old Bailey who would not, under such circumstances, have required their evidence as the most satisfactory test that could be applied. This he would do on the trial of a misdemeanor; this he would do in a case of felony; and of how much more importance, therefore, did a rule of this nature become on a question of high treason, or what was but technically distinguished from it? He conjured their lordships to remember that they were not now sitting in their capacity as a court of judicature, they were not compelled to take cognizance of this matter, or to bring it to any issue. They might, if they pleased, dismiss it; they might give it the go-by; and, gracious God! what was there in the case to induce the peers of England to pursue a queen to destruction! What was there in the testimony brought from out their *præsidia* in Cotton-garden—what was there in that to induce them to run counter to a sentiment almost universal? O, let it not be said, that in that sacred temple, that sanctuary of justice, the peers of England, with a rash hand, had made up their minds to bear down its most venerable symbols, upon grounds so weak and so fallacious, and to sink themselves in eternal condemnation at the tribunal of after-ages."

Mr. Brougham here paused, and threw himself on the indulgence of the house for a short relaxation. This was readily granted.

After an absence of three quarters of an hour, Mr. Brougham re-entered the house, and their lordships having taken their seats, the learned gentleman proceeded with his address. "He had," he observed, "to crave their lordships' pardon for the delay which his absence had unavoidably occasioned.

He would now submit to their lordships all that occurred to him on that part of the case which was connected with the evidence, and he was afraid he should be compelled to solicit their lordships' attention for a considerable time to the important considerations which here presented themselves. The first point that would necessarily arise in their lordships' minds was a recollection of the principal parts of the evidence, and their practical application to the case. Here it would be his duty to notice in a particular manner, the first witness, who would be long known in this country, and throughout the world—whose favourite expression would be handed down, much after the same manner as the sayings of some of the ancient sages had reached our days; their names indeed were lost, but they still existed in the celebrity of their brief and pithy sentences. That witness had distinguished himself during this trial by an expression equally brief, and to him more useful: that one sentence appeared to comprise the entire practical result of all the wisdom and all the experience which he had accumulated in the study of his art; and, as long as the words 'I don't remember,' which he used in the practice of that art, in which he evinced great skill—so long as those words were known in the English language, the image of Majocchi, without the man being named, would forthwith arise to the imagination. He was a witness of the greatest importance in this case. He was the first called, and he was the last examined. His evidence accompanied the case nearly throughout; it almost extended over the whole of the period to which the charges themselves referred; in fact, it went to the period when he was dismissed, or rather when he retired, from the queen's service, and was refused to be re-admitted—which was about the time when the charges were brought. He and Demont stood apart from the rest of the witnesses, and resembled each other in this respect—that they went through the entire case. They were indeed the great witnesses for the bill—the others were rather witnesses of a confirmatory description. They were all willing witnesses—some of them had already received much. A part of them were influenced by actual acceptance—a part by the hope that the gratitude of those who summoned them would operate greatly to their advantage: they were, therefore, zealous in the behalf of their employers; and, of course, they would not have stopped short at mere confirmation, if, by any means, they could have carried the case through. This he stated, generally, with a view to the relative importance of the character of all the witnesses.

"He would now entreat their lordships' attention whilst he

entered on this branch of the subject more in detail. He had often heard it asserted that the great prevailing feature of Majocchi's evidence—his want of recollection—signified but little, because a man might err—memories differed. He granted that they did. Memories differed as well as honesty. He did not deny it. But he thought he should be able to show their lordships that there was a sort of memory utterly inconsistent with any thing that he could figure to himself. But why should he invoke his fancy? Why, when he had only to recollect Majocchi and his evidence? He could point out parts of that evidence, than which he defied the wit of man to conceive any stronger or more palpable instances of false swearing than might be traced in the use of the words which he had before quoted. He would not detain their lordships by citing cases where the answer 'I don't remember' might be innocent —where it might be meritorious—where it might not only be no impeachment, but confirmatory of the testimony of a witness, and tend to the support of his credit. Neither would he allude to cases where such an answer would be the reverse of all this—where it would be destructive of the testimony, an utter demolition of the credit of the person examined. He would not quote any of those cases, but take the evidence as it stood; and from it he would show, that while Majocchi's testimony abounded in guilty forgetfulness, no one circumstance, supporting the idea of an innocent forgetfulness occurred.

"He would proceed, at once, to give their lordships proof positive of this man's perjury—and this he would do by adverting to his mode of forgetting. In the first place, he begged leave to direct their lordships' attention to the way in which this witness swore as to the position of the rooms of Pergami and the queen, with reference to these charges. The great object of the Attorney-general, as shown by his opening, and as evinced by the whole of his examination, was to show a communication between those apartments; and the manner in which Majocchi answered indicated that he was privy to the concoction of the plan. The object of that plan was to prove the position of the rooms of the queen and of Pergami always to have been favourable to the commission of adultery, by showing that they were near, and had a mutual communication, whereas all the rooms of the rest of the suite were separated and cut off from those apartments. Thus it was meant to support the inference of that guilt to which the charge related. Accordingly, the first evidence, who was to go over the whole case, was better informed on this part of the subject than any other of the witnesses. There was more

appearance of proof in his testimony on this point—it presented more accuracy of detail than that of the other witnesses—when he was examined with a view to extract criminatory matter against the queen; but he was not prepared for any attack, and his regular custom was utterly to forget himself, in order that he might be protected against the severity of a cross-examination. The questions constantly asked were—'Where did the queen sleep?—In an apartment near that of Pergami.' 'Were those apartments near or remote? They were near.' Questions of this kind were asked over and over again, so good a thing was it thought to procure the answer that the apartments were 'near' repeated with success. The same answer was invariably given. Pergami was represented as occupying an apartment near that of the queen, with which there was a communication, sometimes by a passage, sometimes by a room, sometimes by a door. Then, it was asked, 'Did the rest of the suite live apart? Were they distant from or near to the queen? Was such the position at Naples?' It was important to advert to this point, because more was made of the approximation of the chambers at Naples than at any other place. In the direct examination, the witness was asked, 'Did the people of the suite sleep in that, the queen's, part of the house, or at a distance?' And the Italian word in answer was '*lontano*,' which was interpreted 'apart.' He, however, remarked at the time that it meant 'distant;' and distant it meant, or it meant nothing.

"Here then the witness had sworn distinctly, from his own positive recollection, and staked his credit upon the truth of a fact—upon this fact, 'that the rest of the suite lodged apart and distant from the queen,' which, coupled with the statement that the rooms of her majesty and of Pergami communicated together, must have the effect of combining both these circumstances, as a proof that means were adopted to indulge in a criminal intercourse. Majocchi positively stated, in the first instance, that 'the suite lodged apart, and distant from that portion of the house occupied by the queen.' Was there not, then, an end of his 'innocent forgetfulness;' if, when he (Mr. Brougham) came to ask him, in his cross-examination, where 'the suite slept; he altogether falsified his former statement, and told him, 'I don't know, or, I don't recollect?' It clearly had this effect; because he must have known, and he must have recollected the circumstance, since in his examination-in-chief he had sworn that two rooms, those of the queen and of Pergami, were near, but that the rooms occupied by the suite were distant and apart. When he spoke of the proximity of the rooms in the one case, and

their remoteness and disseverance in the other case, and when he afterwards declared, with reference to the latter, that 'he did not remember where the suite slept,' it was clear that he had perjured himself one way or the other, he cared not which, as much as if he swore he saw a person one day, and swore he did not on the next. The one was not a more gross or direct contradiction than the other. In stating his recollection and his forgetfulness, if their lordships would look comparatively to where the witness remembered, and where he declared he had forgotten, he believed they would almost uniformly be led to a similar conclusion. He would give one specimen, from the evidence itself, to show their lordships, when the witness was asked any questions relative to the queen's apartments, in suppor of the case, where he had learned his lesson, and was examined in chief—where, in short, he was not afraid to speak, no opposition being made to him—how very tenacious his memory was. He would convince their lordships what his recollection really was; he would give them a fair sample of his memory. He (Mr. Brougham) asked the witness, and he did it in order to show his accuracy of recollection on particular points, where the evidence had been well drilled.

"'Have you ever seen the Villa d'Este since the time you came back from the long voyage?—I have.

"Was the position of the rooms the same as it had been before, with respect to the queen and Pergami? They were not in the same position as before.'

"And then the witness told a long story describing the alterations. 'There was,' he stated, 'a staircase, or landing-place of a staircase, on one side of the princess's room. There was a small corridor, on the left of which there was a door that led into the room of the princess, which was only locked; and then, going a little farther on in the corridor, there was, on the left hand, a small room, and opposite to this small room there was another door, which led into the room where they supped in the evening. There was this supping-room on the right, there was a door which led into Pergami's room, and on the same right hand of the same room there was a small alcove, where there was the bed of Pergami. I saw two doors open always—but there was a third stopped by a picture.' Now could any recollection be more minute than the recollection of a man who could state all these particular circumstances? He had no objection to this display of accuracy, in any point of view. If an individual were to invent a story entirely, if he were to form it completely of falsehoods, the result would be his inevitable detection and exposure; but if he built a structure of falsehood on the foundation of a little

truth, he might then, by using some degree of address, place an honest man's life, or the life and character of an illustrious princess, in jeopardy.

"He (Mr. Brougham) only wished their lordships to contrast with this minute recollection of rooms, doors, and corridors, the circumstance of Majocchi not having the slightest recollection of a whole new wing added to the house in which her majesty had lived. This showed the dishonest character of the whole testimony. Of the same nature was his evidence when any calculation of time was required. He observed the most trifling distinction of time when that suited his purpose, and he recollected nothing of time when it was inconvenient for his object. In proof of this, their lordships were requested to refer again to the celebrated scene at Naples. This witness remembered down to minutes the time which her majesty had passed at two different times in Pergami's room. The first was from ten to fifteen minutes, the second from fifteen to eighteen minutes. Here the mean time was sixteen minutes and a half. The witness went to the window, and fired a gun, exactly three minutes afterwards. Here the mean time was given at once. A quarter of an hour was then stated with equal accuracy, and afterwards three quarters of an hour. All this was in answer to his learned friend; all this was in the examination-in-chief; all this was thought by the witness essential to his story; all this was to garnish the story with an appearance of accuracy essential to his purpose. But such minute accuracy was of use not to him, but to the queen. When it was of use, not to the prosecution, but to the defence, then he could not recollect whether it was a whole night, or eight hours, or any definite period. 'Why could you not recollect the period of time on this occasion as well as on the other occasions?—I had no watch.' 'Had you a watch when you reckoned a minute, and the fraction of a minute?—No.' Why, then, did Majocchi know the precise time on one occasion, and not recollect any thing of time at another occasion? He pleaded the want of a watch only when the defence could be served by time, or when he was asked something which he conceived their lordships would consider of importance for the defence. Majocchi answered no categorical questions.

"When asked as to the number of sailors present, he could not tell whether it was two or twenty-two. As to place he was equally in fault. Although he slept in the hold of the ship, and all who slept slept in the hold too, he could not tell the others that slept at any time there by day or by night. Therefore he (Mr. Brougham) could ask their lordships, who

ther any person ever appeared as a witness whose testimony was so varying, and so exactly suited to the character which the witness was to support? But this was not all. The answers 'I don't recollect,' and 'I don't know,' were such as could not by possibility be true, if the answers given in the examination-in-chief were true: as in the instance to which he had referred in Naples, if the minuteness sworn to in his examination-in-chief was true, and founded in fact, it was impossible that he should have no recollection of the matters to which he was cross-examined. If it was truth that the rooms and doors were as he described, he could not by possibility know and recollect that, and be in total ignorance of the other parts of the house. In the same manner, this witness knew nothing of Mr. Hughes; he never knew a banker's clerk; he knew nothing of the name; he had never known any of that name, or any banker's clerk. But when he saw that he (Mr. Brougham) had a letter in his hand, and before he had in any thing refreshed the witness's memory, he clearly showed that he had never forgotten either the name or the place. By the demeanour of the witness, too, and the tenour of his answers, their lordships must have seen the same change evinced. Majocchi gave as his reason for this inconsistency, that familiarity had made him forget the name and occupation of his familiar. The ground of forgetting his trade was the familiarity which formed the ground of calling him 'brother banker.' It was very manifest that Majocchi was not very willing to give the name, or the trade, or the place of residence, of any one with whom he had been acquainted; for what reason he (Mr. Brougham) would leave their lordships to judge.

"But, before he should be done with this witness, he would give another instance of his dishonest intention. Their lordships recollected the shuffling prevaricating answers he had given respecting the receiving of money. He had first told that Lord Stewart had given him money at Vienna. Afterwards he had, twice over, sworn that he had never received money at Vienna from any person. It was the same as to his receiving money at Milan. 'I remember to have received no money at Milan—I rather believe I received no money—Rather no than yes—*Non mi ricordo.*' He (Mr. Brougham) had some guess what evidence this witness must have given when he laid the foundation of the favour which he had since uninterruptedly enjoyed. When he had been laying the foundation on which his fortunes were to be built, their lordships would recollect that he knew a great deal.

"In the opening speech of his learned friend much was stated which this witness was expected to prove. As an instance,

their lordships would recollect, that Majocchi was to have proved that the queen and Pergami had been seen kissing one another in a bed-room. Did Majocchi swear this? On the contrary, the witness negatived it in the completest manner. It was only whispering. This single instance showed the whole character of his testimony; but he would give their lordships others quite as fatal to the credit of the witness. He would show to their satisfaction, that Majocchi had told one story to the instructors of his (Mr. Brougham's) learned friends; but that when brought to their lordships' bar, he told a far different story, probably from knowing the facts and documents which he (Mr. Brougham) had got in his possession, but more probably from having forgotten part of his invention. This partial forgetfulness was much more likely where the whole was an invention, than where truth was the foundation of testimony. So it was in this case. Majocchi recollected part of his testimony. 'Yes' was ready for the question. But parts he did not recollect. It was perfectly evident, that what one saw was far more intensely and permanently impressed on the mind and recollection than what he might afterwards invent, and add to his actual observations. Thus it was that Majocchi recollected part and forget other parts.

"He had been asked, 'whether he had seen any one bring broth to her royal highness?—Yes.' 'Do you know whether any entered the room with her royal highness?—I don't recollect.' 'After Pergami had entered the bedroom (assuming that he had seen him enter), did any conversation take place?—Yes.' Well, but conversation might be very innocent; that would not do. 'Was there any thing else?' This question had been asked because Majocchi must have sworn something else before. To elicit that now, he was asked if there was any thing else? There was, in fact, something which his learned friend wanted. But Majocchi forgot part of his invention, as always happened to certain persons whose names he would not mention to their lordships. The something given in answer, therefore, was 'only some whispers.' If it were said, that whispers were all that his learned friend meant, he would say, No. His learned friend had opened very different facts; but besides, from the examination of the Solicitor-General, it was evident that more was expected. Aye, but was there any thing more?' Whispering would have satisfied, if nothing further had been sworn before. But the inquiry was pursued:—'Did any thing at any other time occur?' Oh, it might not be at that time: was there any

other thing at any other time?—'Whispering,' said the witness again.

"Another instance, to the same effect, he would call their lordships' attention to. He hoped he was not too minute. He felt it necessary to enter into this detailed investigation, for it was so that conspiracies were detected.

"'At Genoa you saw her royal highness riding upon an ass? Yes.' There was something, however, expected, more than that fact. There was nothing indecorous in riding upon an ass by day-light. 'Did you make any observation? What passed?—He held her.' Very well; there was a great deal in holding her, and a great deal might depend upon the nature of the tenure. 'What else?—He held her from falling.' Aye, that won't do. His learned friend was not satisfied with that, having had something in his hand which the witness had sworn before that, and not knowing, it was a different, a very different thing, for a false swearer to recollect his fiction, and for an honest witness to recollect what he had actually seen. His learned friend, therefore, proceeded: 'Did you make any other observation?—No; they spoke together.'

"A number of other things might be recalled to their lordships' recollection to the same effect. The witness stated respecting the breakfast what others had stated. What was fact he recollected; but what he said he did not recollect, was as clear as what he did recollect; and if his recollection were true, he would have recollected as well other facts as those he pretended to recollect. He (Mr. Brougham) must also remind their lordships of the incredible story told by Majocchi, when he would have them believe that the queen, having free access to Pergami's room, through rooms where no person slept, she choose rather to pass through an occupied room. The witness would at first have represented that there was no other access; but, after much equivocation and perjury, he admitted that there was another access; yet, having admitted that the queen had easy, safe, and ready access to the place of guilt, he represented that she preferred passing through another room where Majocchi slept—where he slept in a bed without curtains; that she preferred passing through a room so small, that she must have touched the bed—through a room where a fire was burning; and, what was most monstrous of all, they were to believe that, to make detection sure, she stopped in her passage through the room, and looked in the face of Majocchi, to ascertain whether he was asleep.

"The whole of this story defeated itself. Why pass through a room where she must be observed, rather than through a

room where none slept, where there was no fire, no uncurtained bed, and no possibility of being observed? Was she indifferent because it was a person she knew nothing about, no servant of hers? The looking in the face was quite improbable; but it was a statement which one was very likely to invent in a country where robbers were not few, and robberies not unfrequent. A robber naturally came to the bed where a lady slept, and looked in her eyes to see if she was asleep. If she was not, he could proceed no further. It was therefore very wise and prudent in the robber to take this precaution: but for a person going to commit adultery in the next room, to look in the face of him whose mistress she was, and that person the Princess of Wales—when the very looking condemned, exposed, and convicted her—this was the most incredible, the most silly invention that could be made. But it was providentially and most happily ordained, for the detection of guilt and the defence of innocence, that such inventions were often carelessly put together; and here the invention was, in particular, thoughtlessly put together.

"With respect to Pergami's dining at Genoa, Majocchi was contradicted by the other witnesses. When asked, if he did not recollect his being at dinner when Villascarti, the courier, arrived, he knew nothing of such a person. But when asked whether he remembered knocking at Pergami's room-door, he replied, 'I remember perfectly when Villascarti arrived.' Then recollecting the contradiction, he said it was not on that account he remembered it, but because thieves had arrived and attacked the house that night. But there wa one part of Majocchi's evidence upon which he would rest as gross and palpable perjury. It was so gross and palpable, as to dispense with the necessity of pointing out perjury in other instances. He denied that he had been dismissed by her royal highness; but said he had left her service because of the bad people that were about her. This he said with the double purpose of raising his own character, and debasing the queen's. But he would show this to be false from his own mouth. When asked, whether he had not made application to get back, his answer was—'I don't recollect.' 'Did you apply to Count Schiavini to be taken back?—I did.' The moment he mentioned that, his assertion, that he did not recollect, failed; therefore, to save himself, he told them all—and very material it was for their lordships' consideration—'Yes, yes *(cosi, cosi)*, I did apply to Schiavini, but it was in joke.'

"Now their lordships would mark that. The former answers were probable, if this was in joke; if not, they were

positive perjury. If, then, this was in joke, what followed he would have at once answered by 'No.' 'Did you apply to several persons? did you apply to Hieronymus?—*Non mi ricordo.*' This last answer was gross and wilful perjury, or the first answer was gross and wilful perjury. He (Mr. Brougham) cared not which. The joke, in fact, was an invention to protect the other invention, or the story was perfectly incredible that he applied in joke to Schiavini, and that he did not recollect whether he applied to others. Their lordships recollected the manner too of this witness. He showed some flourishing and figure—'I would rather eat grass than go again into the service of the princess.' Was it true, and was it the language of an honest man, that he would rather eat grass than go back; that he applied in joke to be taken back; and that he could not afterwards swear that he had not applied to others to be taken back? Here then was the mystery unravelled of Majocchi's *Non mi ricordo.* His testimony was false, either one way or the other, he cared not which.

"Mr. Brougham now called their lordships' attention shortly to the next witness; it would be very shortly, because those well-paid swearers exhibited a certain something in their demeanour which at once showed the value of their testimony. In courts of justice nothing was more sure to disclose the falsehood of testimony than a flippancy and pertness in the manner of telling a story. A false witness was always flippant and impertinent when pressed. As an instance of this their lordships would recollect that Paturzo, when asked whether the guns were on deck, answered 'Yes—they were not in our pockets.' He (Mr. Brougham) only mentioned this, because his learned friend had said that this was a good, correct, unimpeachable witness, and because his testimony had been represented in the opening speech as infinitely important. He would venture to say, at least, that a better-paid witness, or better-paid Italian for any purpose, had never yet come to his knowledge. The money paid was upwards of 2,000*l.* sterling a year to one who had been mate of a vessel in the Mediterranean, and who was now fourth-part owner, and as a means of making compensation to him instead of giving him a reward. The profits of the vessel, according to this calculation, was 8,000*l.* sterling a year. This, in the Mediterranean, was equal to 16,000*l.* or 20,000*l.* in this country. Not one half of this money did any trading vessel in the Mediterranean ever make. In Messina the whole ownership would be thought most fortunate that produced 400*l.* a year. That was a great income in that country. None but the noblesse was ever heard of that had

1,500*l.* a year there. No such thing was known among traders or merchants. If any master and his mate made such splendid fortunes, their names would have resounded through Italy as the rich of the earth; and none would visit that country who would not wish to see them, and to have letters of recommendation to them, as eminent and distinguished among their countrymen. The cobbler was known in history, but this master and his mate had never been known beyond the streets of Messina, till they came to merit this large compensation. The mate made nothing equal to 2,000*l.* sterling a year; this was his own story. The captain, as might be expected, had still more; he had more than 2,400*l.* sterling a year, besides having every expense of travelling, living, and perhaps clothing, paid. This too was given in addition to the profits of his ship, which was all the time sailing and earning trade, and in addition to the profits of the cargo. Yet it was only a compensation. The captain was paid all this money as compensation, not as recompense! This master had had a quarrel connected with his testimony. He told with some *naïveté* that himself, his mate, and twenty-two men, had been engaged, including profits, expenses, and trade, for one-fourth less than he now received for coming over to swear upon this occasion against the royal personage whom he had then served. But he added, that when royal persons made engagements with him, the uncertain profits were greater than the certain contracts. This was a great truth, well known to many there, that something certain was often stipulated, but that still more was often given as honorary and voluntary compensation. The master was not, therefore, to think his compensation limited here to 2,400*l.* a year. If one royal person gave him so much, and if that was nothing compared to the uncertain allowances to be made to him, how much less would her illustrious husband and his servants be limited to 2,400*l.* a year, if he pleased them—if he fully made out the case—if the case should come well through his hands, and no accident befell him in giving his testimony. If he should succeed in this, he must get what would make a mere joke of the 2,400*l.* a year.

"He (Mr. Brougham) had mentioned the inducement of reward, but there was another inducement. Was there no spite entertained towards any of the parties? The whole of his testimony was bottomed in revenge. He had distinctly sworn that he had had a quarrel with Pergami, whose business it had been, as chamberlain, to pay money for her majesty, and that he had complained to his own ambassador of being depri ed of 1,300*l.* This was proved from the witness's own mouth. This appeared in pages 134 and 135 of the evidence.

In consequence of this complaint to Count Ludolph, this witness, Gargiulo, became known to the English government. The only means they had had of knowing his name and place of abode was his complaint against the queen, and his claim of 1,300*l.* In the Minutes it was stated, 'I have received nothing: nay, my minister and the Colonel to whom I have mentioned it, told me that they knew nothing, and that I might go to London, and then might see upon this particular.' He now came to London to see into it, and he would not see the less clearly that his evidence was of use. There were other matters in this witness's testimony of a very peculiar character. He (Mr. Brougham) thought that the Princess of Wales, stooping on a bed in a vessel with her arm round a gentleman, and from time to time kissing him, not a very ordinary sight even for nautical men, nor such a sight as they could forget. Yet the master and his mate forgot, or differed most materially in the history of this matter. The mate said, he had seen the queen sitting on Pergami's knee near to the mainmast. He (Mr. Brougham) stated this minutely, because the mate considered it important. The mate meant to say that his evidence was given with particular accuracy, if not correctness. Yet he said it was not on a gun that the queen sat on Pergami's knee. Not one word did he say about kissing and similar facts, the most important of all. Their lordships would, therefore, conclude with him that they did not happen. The captain, on the other hand, stated that it was on a gun, and not at the mainmast, that the queen sat on Pergami's knee. But did they speak to the same time? Yes, for the captain said the mate saw it at the same time. The mate, however, had not seen it; and his learned friends had not dared to ask him any questions respecting it, because the captain had not had time to be trained sufficiently.

"He (Mr. Brougham) merely mentioned these circumstances, to show that the story could not be true, because, if it were, such differences would be impossible. Yet those pure, fastidious, and good scrupulous witnesses, from places chaste and sacred as the garden of Eden before the fall—from Messina and Naples—displayed a nicety of moral caution that was exceedingly exemplary. The captain, because the queen was seen leaning over Pergami without touching him, desired the mate to go away, because, on account of their relation as master and mate, he was bound to protect his morals, and also because the ties of blood imposed a responsibility upon his conscience. Therefore he would not let his mate be near that part of the ship. He never said that the queen wished him to withdraw, or that there had been any order from Pergami;

the guilty pair cared not who saw them; but the virtuous Gargiulo, reviving, in the modern Mediterranean, a nicer sense of purity than the ancient ocean there had ever seen, would not allow his relation to view such a pair; for, when they were so near, they might touch, and that in the presence of the mate Paturzo. There might be those who believed all this; he could not account for the belief of some; but if there were not another thing to be objected to Gargiulo and his mate, this was sufficient to prove that their testimony was not true. This was all invented, or a fabricated and gross falsehood. The captain meant to improve the case, to take in cautious minds; perhaps to increase his claim to enlarge the uncertainties, which with royalty were greater than certainties; to improve his chance of obtaining the 1,300*l.* for which he had come over to this country. But one more statement of this witness he would mention, and then he should be done. He held up these witnesses as models of perfect art, as well-finished examples of their kind, as the best paid, and altogether such as ought to be esteemed very crack specimens, displaying zeal in proportion to the much they had received, and the more they expected. But happily there were limits to this art, as to all human arts; and if there were not, God pity the innocent against whom this mighty art might be directed.

"It was found here that the accomplished swearers could not make their testimonies tally without communication, after the first had gone through his examination, and before the other was begun to be examined. But the master and mate were evidently descendants, lineal descendants, of the doctors of Bologna. They were afraid to have it thought that they had spoken together on the subject of their evidence. They were living together, lodged together in the same magazine, breakfasted together that very morning; yet, with all this, from a degree of care that would do honour to the nearest relations, and which he wished all relations observed, they never entered on this subject, and that a subject which occupied the attention of every mind in the kingdom. This was not peculiar to them, but the manner in which it was stated was peculiar. 'I am not the man to speak of such a subject,' replied the captain. Why? 'It would not be decent; it would not be fitting that I should say any thing out of doors of what I have been asked here.' 'Did you ever speak to the mate of it?'—'O never, never.' 'Did you agree that you should not speak of it? Did you determine that you should not say any thing of it, and agree thus?—'You and I coming here upon one subject must not mention that subject the one to the other.' He

(Mr. Brougham) knew not whether the witness had understood this question, but his answer had been 'Yes.'

"One general remark upon this point yielded much satisfaction and consolation. Whatever injury this inquiry might do to the highest and most illustrious persons, whatever mischief to the conduct and good case of social life might arise for some time to come from the details brought forward, one spot, one little land of Goshen, was sacred and pure from contamination. From all the impurities which offended the delicate—alarmed monarchs—and went so well nigh to contaminate the morals of the nation, one spot was safe; and, strange to tell, that spot was no other than Cotton-garden, in this very vicinity. Let no person suppose that the danger was so great as it had been represented, or that there was any truth in the assertion that the island was flooded with impurity and indecency; for Cotton-garden was pure and uncontaminated. Of all the unclean horrors which had been conjured up, it turned out that not one whisper was heard in Cotton-garden. There not a word was spoken, even remotely connected with a matter which so much vitiated the mind, and which debased, he would say, the reputation of this country. If their lordships chose to believe this, far was it from him to interrupt a delusion so pleasing; it was delightful for the mind to repose on such a spot. If they disbelieved it, they must believe something else, and that was—that all the witnesses in this depôt were perjured again and again.

"The course of his observations had now brought him to some personages, even of greater importance than the captain and mate, however pompously introduced by the Solicitor-general—he meant Demont and Sacchi. He trusted that he should be excused for coupling them, united as they seemed to be by the closest ties, and resembling each other as they did in some of the most material particulars of their history. Both had lived under the roof of the queen—both had enjoyed her bounty—both had been reluctantly dismissed, and both had solicited to be taken back into place and favour. The bonds that originally united them had subsequently continued—they had lived in the greatest intimacy, not less in their native mountains of Switzerland than in England; they had remained here nearly for the same period of time, above twelve months, and those months had been occupied by them in a manner best calculated to fit them for the service of their employers, in obtaining a knowledge of the classic writers of our island, through an accurate study of our language. Incidentally this gave them a great advantage—only incidentally—for, modestly, they did not brag of their proficiency, but

availed themselves of the assistance of an interpreter, which gave them an opportunity of preparing an answer to the question they had understood, while the interpreter was furnishing them with a needless translation. The other points of resemblance were many, and he would not further dwell upon them in particular, because they would be illustrated as he proceeded. He wished, in the first place, to remind their lordships of what sort of person Mademoiselle Demont described herself to be, because it signified very little what he should be able to prove her, compared with what she had proved herself. He would take her own account, and he could hardly wish for more, though she might well wish it less, with the most ordinary regard for her own safety, not to mention the sanctity of truth. She was a person of a romantic disposition, naturally implanted, and certainly improved by her practice in the world. She was an enemy to marriage, as she stated in her letters, and did not like mankind in the abstract, whatever she might do in the particular—*amica omnibus quamlibet inimica* perhaps she might turn out to be in the end. However, she hated mankind in the abstract, only making an exception in favour of such a near friend as Sacchi, whom she dignified by the title of an Italian gentleman, though he, ungrateful man, would not return the compliment by acknowledging her to be a countess. Marriage, she said, she did not like—she loved liberty, "the mountain nymph, sweet liberty,"—and in pursuit of her among her native hills their lordships would not fail to see into what company she had fallen. Were these to be reckoned among the accomplishments of this lady? By no means; she was the most perfect specimen, the most finished model, of a waiting-maid, the world had ever seen; none of her own writers, and none of ours, whom, no doubt, she had studied, had given such a pattern for imitation; Molière, Le Sage, Congreve, and Cibber, had all fallen far short of this admirable original. He did not mean that all her qualifications had been developed at once; some of them had gradually made their appearance under the cross-examination of Mr. Williams, when she showed that her education had done honour to her natural abilities; she had shown that she was gifted with great circumspection; that she possessed much readiness in adjusting one part of her evidence with another; and great skill, if the eternal laws of truth allowed it, in blinding and deluding her hearers. She evinced not a little readiness in reconciling the story she had told with the contents of the letters produced, which letters she had not forgotten, though she did not know that they were still in existence to be produced against her. Had she been aware of

their preservation, and had her patrons known their contents, their lordships would never have heard of her: she would never have been produced as a witness, but would have been shipped off as many others had been, like so much fresh meat or live lumber for their native country. But her constant mode was to deal in *double entendres;* Sacchi did the same, so that it was impossible to know what they really meant; to them indeed might be applied what formerly had been said of the Greeks—*Tribuo illis litteras, do multarum artium disciplinam, non adimo sermonis leporem, ingeniorum acumen, dicendi copiam: denique etiam, siqua sibi alia sumunt, non repugno: testimoniorum religionem, et fidem nunquam ista natio coluit: totiusque hujusce rei quæ sit vis, quæ auctoritas, quod pondus, ignorant.'* But the candour of Demont had been praised, and why? Because she admitted that she was turned away for a story which proved to be false. He had heard her applauded for other things, and especially where she said that she was sincere in some of the applauses she bestowed upon the queen. In the same way she had been asked—'whether she had not been in want of money? Never.' 'Did you not write to your sister that you were in want of money? That may be so; but if it were it was not true.' This was called candour, and though *in rerum naturâ* there might be no connexion between truth and her statements, and though a thing's being false did not prevent her either from writing or speaking it, yet to his no small astonishment he had heard her evidence praised for its fairness by persons of moderate abilities.

"He need hardly remind their lordships, or indeed any man whose capacity was above that of the brute animals he abused by using, what utter nonsense those talked who applauded the evidence of this witness for its candour. De Mont asserted that she was insincere—she allowed that she had told numerous falsehoods; and what praise was due to that ingenuousness with which she told the house that she dealt wholesale in untruth, and that no dependence could be placed on a syllable that fell from her lips? Yet, in the opinion of some persons, so captivating, so seductive, a blandishment was this, that it blinded her judges to her faults, and opened their ears to all the tales of so accomplished and ingenuous a liar. In any body but a witness candour might be approved; but here 'Pure, dear, innocent Swiss Shepherdess, how ingenuous thou art!' was the cry, and immediately all that she uttered was to be believed. Certainly the strangest of all reasons for giving credit to a witness was, to cite her candour in admitting that in no respect she deserved it. Look at her letters and at the ex

planations she had offered of them. He would not go through the details, but every man must be convinced that those explanations were impossible: they did not in any respect tally with what appeared in black and white—her gloss did not suit her text: they were wholly inconsistent, and the clear contents of the four corners of the document showed that what she was stating was untrue.

"The letters wanted nothing to make them quite intelligible, and her key did not fit her cipher: the matter only became doubtful as she enveloped it in falsehood by the inventions of the moment, by her *extempore* endeavours to get rid of the indisputable meaning of her own hand-writing. A plain honest witness would know how to deal with these things, and would not entangle himself in the miserable webs of this dirty-working creature. The sense of the letters was plain and obvious, and he prayed to God that their lordships might so believe it, and might not stand a solitary exception to the conviction of all the rest of mankind. He hoped that they would believe that this woman was sincere in her praises of the queen; that she spoke in her letters the language of her heart, and that her notions had only been changed as her mind became corrupted, when she fell into the hands of the other conspirators against her illustrious mistress.

"Another feature of this lady's character he had nearly forgotten—her affection for her sisters. The principle of her conduct, if she were believed, had been anxiety on this account: yet, how had she proceeded? She had done her utmost to secure one of these innocents, of the age of seventeen or eighteen, in a house which, if her story were now credited, instead of being called a palace, deserved only the name of a brothel. Yet she had been content herself to submit to the contamination, because the mercenary Swiss described herself as setting the profits of her place against its disgrace, as the Roman emperor did the money he obtained from a filthy imposition. She allowed that it was worse than an ordinary brothel, yet one of her sisters of fifteen, and the other of seventeen, whom she loved so dearly, were both to be introduced into it in creditable and comfortable situations. Such was De Mont by her own account; but who would believe her so bad? No woman could be so bad; yet she insisted that she was, because her own letters were produced against her. It was clear, however, that she had given her evidence in utter ignorance that her hand-writing could be brought forward in contradiction. In referring to the evidence of Sacchi, there was one very pleasing symptom well deserving notice: it was connected with the reception it had obtained, and to the mode in which a false

estimation had been endeavoured to be given to it. It showed how the age was improving—how it was rising above the vulgar prejudices of a few years ago, against the French and their leader. He remembered the day when few persons would have ventured to bring forward a principal witness in any case, much less in one of this delicate nature, who had been a soldier of Buonaparte, who had served during many campaigns with him, and who had been promoted by that Corsican usurper—that revolutionary adventurer—that tyrannical chief: then a French hussar would have almost been considered another name for every thing that was profligate and abandoned. However, against the queen of England he was thought a witness good enough; and, coming to England, he took upon himself the character of a gentleman: and he that had been once a common soldier in the French army, and afterwards a courier in the service of the queen, was brought forward as a person on whose testimony the utmost reliance might be reposed. He (Mr. Brougham) did not object to him that he had been a soldier, though perhaps he did not think that the Italians in the French army, and especially those from the north of Italy, were usually the most scrupulous of mankind. Sacchi, too, dealt in his *double entendres;* besides he had gone by three whole names and a diminutive; two of them were known, and one yet unknown, but by three names and a half had he gone. When he came into this country, and was within the four seas with De Mont, he began his *double entendres,* and he was not satisfied with one any more than with one name: he had got into the habit of dealing in *double entendres;* and accordingly his first was, that he had come here in the service of a Spanish family; his second regarded a law-suit, which had occasioned his visit to England. He stoutly denied, however, that he received any pay from his present employers; yet having been very unwillingly turned away by the queen from the low office of a courier or equerry, he came to England, and lived like a gentleman of fortune. He resembled De Mont in another respect—they both showed the same want of connexion between their speaking and writing. He was asked how much money he had had at his banker's at Lausanne, and he answered fifty Napoleons. 'Had you never any more?—Positively not.' He was then asked whether he had never said that he had had more? What would have been the natural answer, if any man had ventured to put such a question to one of their lordships? What would have been the reply? 'Certainly not;' because it had already been stated that no more than fifty Napoleons were, in fact, at the banker's.

"A letter was then shown to the witness, and he was asked,

whether he had ever said (for he, Mr. Brougham, was not allowed to ask, whether he had ever represented) that he had been in a miserable situation, and had taxed himself with ingratitude, and wished to be restored to favour. He answered, Never; and that he had never been in a destitute situation. The next question was, 'Were you ever in a situation to require compassion?—Never.' 'Did you ever ask any body to take compassion on your situation?—That may be so.' 'Are these letters your hand-writing?—Yes.' When the letters were read, it appeared in the plainest terms, that he had taxed himself with ingratitude; and yet this honest man, this soldier of Buonaparte, sheltered himself under the word 'say'—and because he had only *written* that he was in a distressed situation, he swore that he had never said it. Would any honest man think, that such a pitiful quibble would avail him under such circumstances? But their lordships would remember what passed afterwards; for he now came to a providential accident, if he might use such contradictory terms in compliance with the common understanding of them. He now came to an accident, which he called a providence in favour of innocence, which was always the care of Providence. Sacchi was asked—'Why did you change your name?' and he replied—'On account of the tumult which happened, and which made me know I should run a risk.' 'When did you change your name?' The answer well deserved observation. 'A year ago.' When he gave his first reply, he did not recollect that the tumult at Dover took place in 1820, and that he changed his name in July, 1819, before he came to this country. This was a providential circumstance, by which conspiracies were detected, and without which every one of their lordships might be a victim to-morrow. He called upon the house to give due weight to this observation, and to mark how it was borne out by the evidence. The Attorney-general, very judiciously seeing its consequences, did not pursue this inquiry; but some of their lordships continued it: and thus a perfect picture was drawn of a shuffling witness, prevaricating and beating about the bush, to shelter himself from the consequences of an unlucky slip, by which the whole credit of his testimony was overthrown.

"The confusion, the embarrassment, the perplexity of Sacchi on this occasion could not have been forgotten. He was asked at what time he had changed his name? He answered, 'Four or five days before I set out for England.' 'When was that?—In the month of July, last year.' 'What was your motive for taking that name at that time, at Paris?—To shelter myself

against any inconvenience that might happen.' 'What tumult had taken place at that time, to induce you to change your name?—I was warned, that the witnesses against the queen might run some risk, if they were known.' 'Had you been informed that they had actually run any risk?—They had not run any risk then.' An opportunity was now afforded, of which any honest witness would have availed himself, of explaining the whole fact, for his former question and answer upon this point were read over to him. Sacchi, however, had only involved himself in new difficulties, in endeavouring to escape from those he had already encountered; he stated, that, while at Paris, a gentleman came, accompanied by Krouse, and told him, that it would be necessary for him to change his name, because it would be dangerous for him to come to England in his own. 'Did he tell you that any tumult had taken place?—He told me some tumult, some disorder.' 'On what occasion did he say that tumult had taken place?—He told me nothing else.' Being further pressed upon this point, he had resorted to the invariable expedient of witnesses, when driven into a corner, by stating, 'I have repeated what that gentleman told me.' He (Mr. Brougham) could not deny what Sacchi might have imagined; but he insisted that it was as impossible that any gentleman, known or unknown, could at that period have given him this information, as that any man should, by chance, have written the Iliad. He was afraid that their lordships did not feel this point with the force it deserved; of course, at the present moment, every body talked of tumults at home, on the arrival of witnesses against the queen; but going back to July, 1819, when Sacchi first changed his name, what man, in his most fanciful mood, ever dreamt that such a tumult would occur in 1820? In fact, that it was nothing more than an invention by the witness to cover his retreat from a position in which he had been unwarily entrapped. It was only by such circumstances as these that perjuries were detected: and this led him to remark, that if witnesses were convicted of untrue swearing on collateral points, how trivial soever they might be, it put an end to all their credibility in the main facts of the conspiracy. One of these main facts, as far as related to the evidence of Sacchi, and Rastelli, another discharged courier, was of a nature so disgusting and offensive, that he felt it difficult even to make the slightest allusion to it. Did their lordships think it very likely that any woman—he might almost say the most miserable prostitute discharged from Bridewell—would commit, in the face of open day, what had been charged against the queen by Rastelli? Would they

believe, that with the knowledge that a courier was traveling by the side of a carriage, the blinds of which might be raised, the queen would run the risk of blasting her character, even among the most abandoned of her sex, by going to sleep in the position described by Sacchi, as that in which he had discovered the princess and her chamberlain? But the credulity of the house must be stretched yet many degrees; for if it could persuade itself that this had happened once, it would be nothing to what Sacchi had sworn he had been in the constant habit of seeing again and again.

"He (Mr. Brougham) appealed to their lordships, whether this story had the smallest appearance of probability; whether, unless the parties were absolutely insane, such conduct could be accounted for. He was now saying nothing of the physical impossibility of the thing, at a time when the carriage was traveling at the rate of nine or ten miles an hour, over such roads as are found in that part of Italy, with their hands placed across each other, while the parties were both fast asleep, and, of course, without any power over their limbs. To overcome this difficulty would require the evidence of philosophers, who had witnessed an experiment so new and so strange. The witness had not ventured upon any description of the carriage, excepting that it had curtains: but what would their lordships say, if it should be proved to have been an English carriage, with glass and spring blinds? What, if he (Mr. Brougham) showed, that the blinds could not be raised without opening the door to get at the springs upon the inside; and still more, what, if he should prove that Sacchi was not the courier who went on that journey? He did not say that it was necessary for him to prove this; on the contrary, he denied that he was called upon to do so. Why had not the other side established their case; and if cast-off servants would not afford them a sufficient evidence, why had they not resorted to those still in attendance upon her majesty?

"He again entreated their lordships to remember—for it was a cardinal point, that ought not to be forgotten—that an accuser was not relieved from producing sufficient evidence, because good witnesses were to be found on the side of the accused. He had no right to call upon the accused to produce those witnesses; for it was the business of the accuser to establish guilt, by all the evidence he could produce. But was there any other person in the carriage? "*Non mi ricordo*" was the answer of Sacchi, adopting the language of the celebrated Majocchi: and this question was not put to him by surprise, nor was it a point that might have escaped

his memory. It was a thing he could not have forgotten he must have made the observation, whether there was any other person present, while the queen and her chamberlain were lying there exposed. In the next place, after a person had witnessed such a scene, was it likely, that from that moment his lips should be hermetically sealed?—that he should never even whisper it to any person?—that he should never dream of confiding it to the willing ear of the gentle, romantic, and sympathetic Demont? He had long enjoyed a soft intercourse with her, both here and abroad! and, if he never whispered it to her, it no doubt arose from that extreme delicacy which prevailed between them, to a degree unknown in regions less pure and refined. When the question was put to him, whether he had not related it to any one, he pursued that course which he thought most safe and best calculated to screen him from contradiction:—'I told it to people,' said he, 'but I cannot recollect any one to whom I told it.' Did not any man perceive, that if such a thing had passed, and he had been an eye-witness of it, and had afterwards related it to any one, the witness could not have failed to recollect to whom he had so told it? He had now come to Kress's story of what happened at Carlsruhe."

Earl Grey here interposed, observing, that four o'clock, the hour appointed for adjourning, had arrived.

The Earl of Liverpool said, that if an extension of a quarter of an hour would have been sufficient for the conclusion, the house would probably not object to proceeding.

The Lord-Chancellor added, that it would be impossible for counsel to do justice to the case, if they were limited within any specified time. He thought it much better that the house should adjourn till to-morrow.—Adjourned at four o'clock.

TWENTY-THIRD DAY,—WEDNESDAY, OCT. 4.

On the formation of the court, and counsel appearing at the bar, the Lord-Chancellor desired the queen's Attorney-general to proceed with his address.

Mr. Brougham resumed his speech. "It was most extraordinary," he observed, "that with no want of care in getting up the case, and no want of sagacity in its preparation—for great display of skill and management appeared in all its parts—that with boundless resources to bring into play, those who conducted it had chosen to select their testimony almost exclusively from one division of Europe. This was evident

on merely reading the names of the witnesses; and it certainly argued a great want of the required talent in other countries, when those who had to look for qualified persons confined themselves so closely to one. Why such unfairness to different states, and such a contrast between the number from Italy and other countries? The whole of the Italian states appeared to be fully represented by deputies of the lower orders, it was true, or rather of the lowest. But on this side of the Alps he found a lamentable scarcity. From all the cantons of Switzerland only one deputy appears—only one nymph for the whole Helvetic confederation. In like manner, he found that the whole of the circles of Germany were also represented by one person, and that person was a German chambermaid. This was the more remarkable, as her majesty had travelled through so much of that country. From the capital of Austria no representative appears; and from her majesty's native country, where she was best known—from that country which had been her abiding-place—there was also none; from none of the states of Germany in which her majesty had resided did any one appear. In short, notwithstanding the great number of towns at which her majesty stopped in her passage through Germany, only one person had arrived from that country—namely, the amiable Mrs. Barbara Kress, of Carlsruhe. Whether she was to be called a chambermaid, a cellar-maid, or a maid-of-all-work, it was not easy to determine, for there was great doubt as to her capacity; but as to her character there could be no doubt whatever. She, however, was the only German witness in support of the bill; and, save and except her Swiss colleague, the worthy Miss Demont, the only individual, not an Italian, whom the gentlemen on the other side had thought fit to bring forward. He begged their pardon, there were two great exceptions; but they were his witnesses, not theirs, and he reserved them for the opening of his case.

"He came now to the consideration of the testimony of this German chambermaid, and here, as on former occasions, he found it necessary to resort to the witness herself for the evidence of her qualifications. Never, except in the case of the queen, did an anxiety to fabricate evidence give rise to so much contradiction, and so completely defeat itself. This woman had, according to her own statement, been in the reputable and inexperienced situation of chambermaid of a German inn from her earliest years. If their lordships calculated the time from what she had stated in her deposition, they would find that she was just turned of thirteen when she began to perform the duties of a chambermaid.

portant witness; for, having entered her majesty's apartment the moment she left, he must have been able to corroborate the story told by Kress, respecting the state of the bed, if she had stated the truth. The baron was, however, absent, and the only witness that could be found to speak to this extraordinary fact was the German chambermaid. On looking at the evidence of this woman, some estimate might be formed of her motives for coming over to this country. She swears that she came to England from compulsion; but, on turning to the next page, it would be found that she was to be paid; or, in other words, to have a compensation for her loss of time. But she repeated only what had been put into her mouth; she had made no terms—had entered into no bargain express or implied. She looked to no payment for the evidence she was to give. This was her first story; but it afterwards came out that she had got a little payment, and the liberality with which it had been meted out was reluctantly wrung from her. She was asked if ever she had been examined before, and she answered she had, at Hanover. The examination then ran thus:

'What did you get for going to Hanover?—I received a small payment just for the time I had lost.

'How much was that small payment?—I cannot exactly tell; it was little, very little.'

"Thus, because the remuneration was so little, she could not recollect it. Being so little, it might have been the more easily recollected; but it subsequently appeared that it was not because the reward was little, but because it was great, that she forgot it. What would their lordships think if it was found to be five times greater, ten times greater, than her ordinary wages at the inn? What if it doubled her whole yearly wages at the inn, perquisites and all? When such was the amount of the sum, would any person of common understanding place confidence in her testimony? Was she to be trusted in her statement of facts, who could not recollect receiving for a trip to Hanover and back again to Carlsruhe, which occupied only a fortnight, double what she could earn in a year—who, under such circumstances, said she could not recollect what she had received, because it was so little? Would any man place reliance on any story coming from such a source? She also positively asserted that she expected no reward. But it was surely enough to make that part of her evidence be pronounced false, to know that she must have expected a reward in future from her experience of the liberality of the past. The same equivocating manner followed her through her whole story. The way in which she described herself to have left one particular scene which she professed to have

witnessed—her alleged message to the room of the Countess Oldi—her alleged care in convincing herself that the woman she saw was the princess, when, if her business had been in the room of the countess, she would have had no excuse for going into the other room so to convince herself—her assurance in answering the question that it was certainly the princess whom she saw, when there were other women in the house, though Barbara Kress was the only one thought worthy to be brought here:—all these things proved that she was not satisfied with herself until she was convinced that she had fulfilled the duties of a witness faithful to the interests of her employers. He had mentioned to their lordships, that, to support the Carlsruhe scene, Grimm had not appeared here; but there were many others of the queen's suite who might have been called, and whose absence argued strongly against the truth of the story. It was plain, from the manner in which Barbara Kress had given her evidence, and from the evidence itself, that she was not satisfied that the woman she saw with Pergami was the queen.

"He must now again beg their lordships to recross the Alps with him, and having dismissed the testimony of the principal performers, there remained little to do; the rest were mere make-weights, thrown in to give colour and consistency to the fanciful picture, and to all of whom the same general observations which he had yesterday submitted to their lordships on the nature of the whole testimony applied. Nothing was more remarkable than the general character and appearance of the witnesses. Their employments were generally of the lowest description, and, after all the pains which had been taken to give them a respectable appearance by new clothing, the total failure of these endeavours must have struck every one of their lordships. Two of those witnesses were sailors, and he wished to remind their lordships of these men's evidence. The facts to which they swore were of a nature which it was impossible to credit. Could it be supposed that the scenes they describe could have been attended with such publicity? It was impossible to conceive that any individuals possessing ordinary common sense would have voluntarily exposed themselves to the observation of eleven or twelve persons in the way these witnesses had sworn. And were witnesses to be believed who swore that, after seeing such extraordinary things, they never mentioned them? These assertions had almost rendered cross-examination unnecessary. One was asked if he ever spoke of what he had seen?—'Yes, once.' 'Where?—At Milan, to the Commissioners.' 'Did you never mention it before?—Never.'

"It was the same with all the rest. When Rastelli swore to scenes too disgusting to be detailed—when he swore to abominations having taken place in the face of day which could not be described, and that, too, in a situation so unsheltered that it was impossible for him to turn his head without seeing them—he, like all the rest of the witnesses to these abominations, as if the relation between cause and effect in this singular case was wholly suspended, had never opened his mouth on the subject; his lips had been hermetically sealed till he was called on by the commission of Milan. Through ten long months that witness was silent. Was he a hermit all this time? Was he living the life of a recluse? Was there no mortal ear in which he could mention it? Was there no man, woman, or child, to whom he could whisper it? To the latter, perhaps, he might not be expected to mention it; but had he no friend, no brother, no mistress, no common passenger, to whom he could mention it on the lake? Was it to be believed that no communication of such a scene would have been made, had it been true?

"He would shew, by evidence, that the boatmen of the lake had been induced to tell stories, which they admitted had no foundation in truth, in consequence of the rewards they received from passengers. Was it credible, then, that Rastelli would have been so reserved, if he had had any thing to tell? Was there one even among their lordships, whose lips were schooled to enact the courtier even when no court was present, who would not have repeated it to some one or the other? He professed he knew not even a private gentleman, who being under no obligation to conceal it, who, not being under the seal of secrecy, would not have made wiser those persons whom he might next have chanced to converse withal. Yet these low persons, so different from the upper ranks, are so discreet, are so much more upon their guard, feel themselves living among persons of so much purity, that the mention of such facts would have crimsoned their cheeks with the glow of offended delicacy. They never mentioned a syllable of what they had seen to any living being. Was this probable? was it to be believed? The princess was described to have been seen kissing Pergami in a boat on the Lake of Como, as often as the wind blew on it. She was seen riding in a carriage in a situation which could not be mentioned without a blush. The facts witnessed were so striking, so unheard-of, so frightful, so portentous, that, if really seen, it was impossible for the beholder to remain silent a single day. But days, weeks, and months passed away, and nothing was said on the subject till the parties were called before the Milan

commission. It was then, for the first time, that the lips of these persons were unsealed. But he would not admit that they concealed these extraordinary things for weeks, days, or even hours. He believed they had concealed it from the time when it first crossed their imaginations to act the part they had performed, from the time of their hearing that others had been liberally paid for slanders, and resolving to imitate their example, until they repaired to Milan; but the concealment was no longer than the journey demanded to the place where they expected to obtain the reward of their perjury. In all this their lordships would perceive there was no variety. There was in this respect a general sameness in the conduct of these witnesses. In other respects there were differences, which it might not be improper to notice. Did their lordships recollect the waiter from Trieste, Cuchi? But they could not forget his aspect, if they had his name. Did they not recollect that physiognomy—the never-to-be-forgotten expression of that face—those eyes—that nose—that lecherous mouth, with which the wretch stood there to repeat the falsehoods, the wicked suggestions of his own filthy imagination, to which he had sworn at Milan? Would they not for ever remember that hoary pander from Trieste—the manner in which he told his story; the haggard look which gave him the appearance of an inhabitant of the infernal regions, and which must have reminded their lordships of the great Italian poet's description of a broad-faced tailor in hell peeping and grinning through the eye of a needle? But the testimony of that wretch would be contradicted. He, at all events should be punished. There were also others that could be reached, but that man certainly should not escape. It would be shown by evidence, above all suspicion, that he had sworn to falsehoods. It would be proved from the nature of the room and the situation of the doors, that what that man had so solemnly asserted could not be true. Taking even his own account of the room, it would be shown that his story must be false. It could be proved that the queen slept only one night in all her life at Trieste; that, on the evening she arrived there, she went to the opera, as that witness had stated, which was the only instance in which he had spoken truth. Her majesty left the place next day, and never returned, so that she had only once in her life crossed the gates of Trieste. He would now dismiss those witnesses without further observation. He had shown them by sample, and the sample was sufficient to satisfy their lordships of the quality of the remaining part of the filthy cargo. Then came the truly foolish stories of a picture and of chamber orna-

ments, introduced for the obvious purpose of varying, and adding some little diversity of decoration to, a wearisome and thrice-told tale. Whether *Iachimo* was the original offspring of our great Shakspeare's mind or not, their lordships would readily recognise more than one of the witnesses, but one especially, as the own brother of *Iachimo*. How had he represented himself, when most deeply engaged in contrivances against the honour of 'a princess of this fair isle?'—

> 'Away to Britain
> 'Post I in this design: well may you, Sir,
> 'Remember me at Court; being there quench'd
> 'Of hope, not longing, mine Italian brain
> 'Gan in your duller Britain operate
> 'Most vilely for my 'vantage, excellent.
> 'And I did wound belief in her renown
> 'With tokens, thus and thus; averring notes
> 'Of chamber-hangings, pictures, this her bracelet;
> 'And, to be brief, my practice so prevailed,
> 'That I returned with similar proof enough
> 'To make the noble Leonatus mad.'

An endeavour had been made here, as then, to substantiate two different cases by similar marks and tokens. Having thus disposed of evidence that ill deserved so much of their lordships' attention—having commented within narrower limits than he should have assigned under other circumstances to his observations on such a tale, he had to solicit their attention to one or two other of the more remarkable features of this evidence. He should indeed be guilty of a gross abandonment of his duty if he did not claim, in a question of this kind, those advantages for his illustrious client which would be yielded as matter of right to any other individual. This was not indeed a regular bill of indictment; it was a charge thrown into the shape of a bill of pains and penalties, and it was on that account that he conceived himself to be justified in requiring evidence of the most indisputable character. Now then for a closer investigation of the nature and character of that evidence. The Neapolitan scene was, he apprehended, the first to which the testimony of any witness called for the prosecution applied itself. Here, at least, the offence was supposed to have been brought to its completion—here it was represented that after a courtship of about one fortnight the last guilt had been incurred. Here was the story of a princess, of life previously unimpeached, of character raised, brightened, and purified, by a former investigation, described as sinking all at once into an abyss of shame and infamy. If there were truth in evidence, or benefit in acquittal—if certainty or convic-

tion were to be derived from repeated inquiries—the previous conduct of her majesty stood fair in the eyes of the whole world. It had undergone two solemn examinations; it had come forth so pure from the ordeal, that when one set of ministers advised a censure upon what they called 'certain levities,' their successors, dissatisfied with that advice, recommended the expunging of the censure, and her public reception at court by her uncle and father, as a person adorned by every virtue and accomplishment that could add grace or dignity to royal life.

"This, he would also beg leave to remark, was a recommendation sanctioned by some persons who were now thought to be by no means unfavourable to the present bill. According to the statement now produced, her majesty had indeed observed the most correct demeanour up to a certain period of her residence in Italy. She at length, however, hired a servant, of whom he should afterwards have something to say. With this servant she was represented as travelling to Naples, where her degradation was complete. Here, according to the story told on the other side, did this illustrious matron, this 'fair princess of our isle,' condescend to become the favoured mistress of a menial lover. Here did she engage in scenes and acts that never yet marked the conduct of any woman who had not been long sunk in a course of profligacy. He doubted, indeed, whether any course of profligacy could so inure the human mind to shame, so steel it against the common apprehensions of discovery, as to lead to the real exhibitions which had been so minutely recorded at their lordships' bar. How could they reconcile conduct so incautious with any of the known principles of human action? How were they to believe the romantic tale of a princess resorting to the bed of her menial servant, quitting her own room in the middle of the night, and shaping her course to her paramour, not by the way through which she might have passed without observation, but through a room where it was next to impossible that she would not be exposed to the gaze of another menial servant? It was in evidence that she might have found a different way to her supposed destination—namely, by avoiding the corridor—and have so escaped the observation of any human eye.

"He would then invite the attention of their lordships to another most important circumstance. What were the preparations for this indulgence in guilty joy? What was the scene of these early loves? All concealment was described as having been laid aside, and the parties also described as acting under the influence of a violent and domineering passion. It

did, however, happen, that the bed on which Pergami was resting, and to which the princess so repaired on the second night after her arrival at Naples, was a travelling-bed, a couch framed on an iron bedstead, and intended for use only on occasions of travelling. In every other room of the house, in the apartment itself of her royal highness, there was provided an easy, a comfortable place of repose. Her royal highness's bed was nevertheless left untouched. To be sure, M. De Mont had wavered a little on this subject in her cross-examination by his learned friend Mr. Williams, as compared with the leading examination of the Solicitor-general. She did not seem to be in perfect charity with his learned friend, who did conduct his operations in such a way as to lead to some slight alteration, and to induce the lady on the third day to admit that her recollection was a little mended. She at length, in answer to certain questions, gave rather a different complexion to the story from that with which Signor Majocchi had invested it. In the first instance, the chambermaid related that the princess's bed did not appear in any great disorder, or to have been much tumbled on that occasion. Their lordships were subsequently informed by her, that the bed did appear impressed in the centre by the figures of two persons, and that there were certain stains. Now he would put it to any man whether it was likely that, if such facts were truly within her recollection, they would not have appeared on the examination-in-chief; whether they would have been left either to the ingenious mode of detection adopted by his learned friend, or to the general inquisition of their lordships? But the queen was also represented as having been previously in a state of considerable agitation, and as having, for the first time, stopped the admission of Billy Austin to her bedchamber. He would show to them, however, that her majesty was at the opera that night, and that Billy Austin had long possessed his separate chamber, although never excluded from that of his royal benefactress. He was accustomed to enter it whenever he pleased —it was open, it was accessible to him on the evening in question. The whole of De Mont's evidence was plainly intended to support the fact of positive adultery—to persuade their lordships of a really criminal intercourse having taken place. There was something very remarkable in that passage of her statement which referred to the appearance of certain stains on the coverlet of the princess's bed. It was scarcely uncharitable to suppose that she well understood tokens of that description, that her memory was disciplined so as to aid her invention when taxed on such a subject; because one unskilled

in that kind of learning would not have so carefully noted the circumstance: it would indeed, in that case, have escaped her attention as the idle wind that blew over her head.

"The next important scene was one to which the same witness was equally particular in her deposition, refusing only to commit herself to dates. She, whose recollection was so wonderfully accurate as to all other matters, did not feel quite confident in this respect. The circumstances, indeed, divested of their relation to time, were stated positively enough. They had Pergami naked in the corridor, without stockings or even a morning gown, there meeting the chambermaid, not retiring at her approach, nor she at his, but pursuing his course with a steadiness of pace, and a firmness of composure, with which few wedded men sought their legitimate and bridal couch. So extraordinary a statement could not easily be obliterated from the recollection of their lordships. In referring them to the printed evidence he did but remind them of what they had not possibly forgotten.

"If they passed on to the occurrences at Catania, they must also be struck with some surprise, that when it was open to the Attorney-general to call two witnesses to the same fact, he should have contented himself with one. 'Two servant-maids,' said he, 'were sitting in the room next to that of Pergami; both saw the princess come from Pergami's room at an early hour, and they heard a child cry in that of the Countess Oldi;' in other words, both knew and had watched all that took place. How, then, did it happen, that only one of these individuals was called by the Attorney-general? No intimation was given that they had ever communicated together, or that the falsehood was of joint production. One only was called, and what was the amount of her narrative, admitting, for a moment, all its multiplied improbabilities? Pergami slept in a room not adjoining to, or communicating with, the princess's apartment; separated from it by a court which formed the centre of the building. This was the case whilst he was in good health: but he became sick—he was visited by a severe fever. It was then that he was brought from the room which he had previously occupied, to that of the Countess Oldi. Singular scene for the carrying on of an amour—singular occasion for the exchange of mutual endearments! It was not when he was in health, but when he was sick, when he lay more as a patient than a lover, that her royal highness was described as bending amorously over his couch. To him it appeared difficult to conceive an opportunity worse selected for the accomplishment of this supposed end—circumstances or a scene so perfectly embarrassing.

Under the arrangement, as set forth in this evidence, the princess was obliged to pass during the night by the room of her two servant-women, in order to reach that of Pergami. A woman of ordinary prudence, having a similar object in view, and in possession of the means of altering the occupation of the different rooms, would have selected apartments contiguous to each other. By disposing of them differently, the servants might have been removed to a greater distance, and the intercourse between the princess and Pergami might have been carried on without interruption or discovery. With a very little foresight those servants might have been kept from approaching the threshold of these chambers. But, if they were to believe the representations made to them, her majesty had been all along engaged in a conspiracy against her own happiness, comfort, honour, and existence. It had been the uniform tendency of her tactics to multiply damning proofs against her own character. She had studiously consulted, courted, her own ruin. But he had been told that he might contradict this testimony by producing Marietta Demont. She, he was told, might possibly shew that it was a foolish and incredible tale to describe her royal highness as never doing one single act that had not a direct tendency to injure her own interests, and tarnish her own reputation.

" He would, however, contend confidently, though with all humility, before their lordships, that it was incumbent on those who instituted this prosecution to have led that witness to the bar. She was, according to every rule of judicial inquiry, their witness. There was no judge who would dispense with her evidence on any criminal proceeding. Here the exigency of decisive, conclusive, incontrovertible proof, was greater than upon any criminal prosecution conducted by the forms of law. To support a bill of pains and penalties, every ordinary rule, every principle of judicature, became more important. They who were placed in the situation of defendants by a measure of that kind had to complain, not of accusation, but of oppression. If justice reigned in that place, the obligation of producing Marietta, and of opposing her testimony to that of her sister, could not be cast on the defence. No such proceeding would be admitted in any case affecting life or limb.

" Let their lordships put, for a moment, the case of a civil suit, of an action of debt, and remark how clearly the law distinguished between the trials of questions relating to property, and those which imposed penal consequences. It would not be necessary for him, in establishing his claim of debt, to call the clerk or servant of his adversary; but, if he

charged a criminal offence, he was bound to produce the very best evidence of which the question would admit. Even though connected with the adverse party, no individual possessing knowledge of the subject-matter could be dispensed with, if there was any practical mode of obtaining his testimony. Suppose the trial of a highway-robbery: their lordships well knew that the account given of the transaction by a Bow-street officer, perhaps panting for his reward, would not be deemed sufficient. Neither would the evidence suffice of an accomplice tainted by his own confession, or of a spy degraded by his vocation. On the contrary—if the party's own friend, acquaintance, servant, or any person other than his wife, had witnessed the facts stated on the record, that individual must be called for the prosecution.

"He would venture to assert that no English judge would suffer any man to be placed in jeopardy of his life without this precaution. The prosecutor was bound to call every sort of unsuspicious evidence that was accessible to him. No person in the character of a defendant ought to be required to produce the relations of the witnesses against him. It was a fundamental principle of English law, as well as the obvious dictation of common sense, that every one should be presumed innocent till guilt was fairly proved. Their lordships could not fail to perceive that her majesty was in a most singular situation. After all that she had suffered and passed through, it was impossible that she should not open her mind to some construction of the motives by which those about her were actuated. It would not be surprising if in some instances she formed an uncharitable judgment. The long period during which her oppressions had continued, the manner in which she had been so often surrounded and betrayed, the hidden artifices scattered beneath her feet, might have naturally awakened in her mind suspicion and distrust of all who approached her.

"After fostering those who now attacked her, after her experience of the Omptedas, the Grimms, the Radens, and, above all, after this new process, it would be extraordinary if suspicions did not find their way into an otherwise unsuspecting heart. It was not easy for her to distinguish between enemies and friends; it was possible that she might even now be cherishing another viper. The case was, however, left short by the Attorney-general; and, on her majesty's behalf, they were driven to the necessity of supplying its defects. Her majesty had all along corresponded with Marietta, with the sister of De Mont; she knew nothing to the prejudice of her character; and, let the result be what it might, Marietta would be pre-

sented at their lordships' bar. He would not say that this was prudent; he knew it was not essential to the defence. It had been said, too, by a great authority—by him 'who fulmined over Greece' in words of fire, that 'the best security of a feeble heart was not to be found in any outworks, or ramparts, or safeguards raised by the hand of man against the fraudulent or the powerful, but in mistrust; and that this was a feeling implanted by nature herself, for the preservation of innocence.'

"Against agents and spies so unscrupulous as the Omptedas, the De Monts, and the Sacchis, some degree of circumspection was most needful. Their lordships would likewise admit that there was no obligation on their part to bring forward the testimony to which he was alluding. Had the professional advice of himself and his learned friends been called for, they might perchance have felt it to be their duty to awaken suspicions where none at present existed. Her majesty, however, had seen no reason to doubt the motives or character of a faithful servant, and this servant would therefore be produced. It was at the same time manifestly gratuitous on the part of her majesty; it was an act that could only proceed from conscious innocence. He would now draw their attention shortly to the transactions at Charnitz. Incredible as they were, he should have passed them over in silence, had they not appeared to make a transient impression on the minds of some amongst their lordships. De Mont had sworn that the whole night subsequent to Pergami's bringing the passport was passed by him in her royal highness's chamber. This was false—he should disprove the whole representation, and show that she commenced her journey within an hour and a half after the arrival of the passport; that this time was indeed, scarcely sufficient to pack up, and mature the preparations. She lay reclining on her bed, in a travelling dress, and with the room door open, during this whole period. So at Carlsruhe she would be shown at a music party, and proved to have supped at the Margravine's, whilst Pergami was at home ill, with his sister and child, on the very evening which they were represented to have passed together. Some were so very inattentive to the nature of conspiracies, and the characters that marked the most artful and deliberate falsehoods, as to suffer doubts to cross their acute and ingenious minds arising from the very inadequacy of the evidence.

"If, they said, it were a plot, it would have proved the whole charge; if the evidence were fabricated, it ought to have convinced all mankind; if it were all the inventions of

conspirators, it must have been so full and complete as to leave no part unsupported; but here things were proved, and omissions made which were utterly inconsistent with a plot. Could those acute and ingenious persons forget that there were two things to be attended to in getting up plots and conspiracies; one of which was common to all conspiracies, and the other of which was uniformly observed in this case. The first was, that the witnesses should not swear too hard, that they should not prove too much, but that they should speak to facts and circumstances founded in nature and consistent with experience; and the second thing was, to take most especial care not to call two witnesses to the same point. These witnesses, sure to be exposed to no contradiction, because none was to be called to the same facts, were to state their several stories as moderately as possible. The architects of this structure had been most careful to observe the rule of calling only one witness to each circumstance. If this care had not directed their course, why had only one witness been called to the scene at Naples? Why had not two witnesses been called to this most material part of the case? Why, but because it was dangerous to call more than one? So it was with every part of the case; one witness was called to the fact, and one to the confirmation. The one was to tell truth, and the other falsehood. One was to tell a falsehood which would bear upon the charge brought forward, and without which the truth could be no avail. Another told an unessential truth, to give confirmation to the falsehood.

"At Naples, his learned friend had opened what, if it were not invented and fabricated, ought to have been proved by a cloud of witnesses. When at a masquerade, the Princess of Wales, even although in a mask, must have been known, and the circumstances alleged to have been observed, if true, must have become at once public. But the events of that masquerade, like the fictions of this plot, lived only from night till morning. If the story told were true, it would have been widely circulated; all the gossips would be full of it, and could talk of nothing else:—

> Et otiosa credidit Neapolis,
> Et omne vicinum oppidum.

Yet to this only one witness had been called. Why had no witness been called to speak to the beds;—why none to speak to the linens? What became of Annette Preising? He was able to tell their lordships. She was now in this country Why had she not been called?—Because she was not an Italian. She could have given the most essential evidence, if

there were any truth in the statements opened to their lordships; she could have spoken to the passages in the rooms mentioned. Could she have spoken to the beds?—She made them. To the linens?—She had the care of them. Who washed the linens?—The washerwoman might be an Italian, for aught he knew. The learned gentlemen on the other side knew well the importance of a washerwoman's evidence; they had seen by experience the effect of it, in proving charges like the present. They knew the effect of it by experience of its importance in the Douglas plot. They knew by experience that, if such a witness could have stood a cross-examination, this plot could not have failed. Was he to be told this was not a case of adultery? Why, what meant the evidence offered, if it was not a proof of adultery? He needed to say no more to prove that the whole case failed; for their lordships ought not to compel him to refute a case brought forward and supported as this was. But, if they believed the evidence, it was as clear a case of adultery as had ever been known in Westminster-hall. If they believed De Mont—if they believed Majocchi—if they believed Sacchi, they could have no doubt of the adultery having been committed. If they believed Sacchi, when he said that he had seen Pergami twice going to the bedroom of the Princess of Wales and remaining there, they could not doubt that adultery had been there committed. If this was true, then the Queen was worse than Messalina, or as bad as Marie Antoinette was represented to be when the Jacobins of Paris covered themselves, even themselves, with complete infamy, by the charges against their Queen.

"Another remark he had often heard made upon the case against her majesty, and the observations offered in reply to that case: 'O,' said some acute sifters of evidence, 'O, you have damaged the witness only by proving falsehoods in unimportant particulars.' This remark did not come from law-lords, who could not fail to see how ridiculous such an objection must always be. He granted, indeed, that if the object were to confirm an informer, the confirmation must extend to some important parts of his testimony; and a confirmation as to some slight circumstance would deserve no weight. But it was quite the reverse in pulling down a perjured witness, or a witness swearing falsely. If that witness's testimony was false in the least particular, that falsehood destroyed the whole credit of the testimony. Could it be said that they ought to believe part, and to disbelieve part, of a witness's testimony? He would admit, indeed, that there might be parts which the witness of truth might be ignorant

of, or which he might have forgotten; and that by separating mere mistakes of ignorance or forgetfulness, and culling the parts that were sworn to from knowledge and correct recollection, they might obtain evidence to be relied on. But if a witness swore not only what was not true and not correct, but had falsely sworn what could not be true—if a witness swore to his own invention—if he swore, to use plain language, a lie, in any particular, however unimportant—good God! what character was safe? What escape remained for the purest innocence from the toils of an enemy, or the fabrications of a conspirator, if they believed one word of such a witness's testimony, and separated the lie from the other part which rested on the credit of him who fabricated the lie?—What person could be safe from mercenary and spiteful villains? One of their lordships might be charged with a crime that nature abhorred—a crime of the greatest horror to his mind, and the greater in proportion as his mind was alien from the very thought, and his feelings alive to the infamy of the bare supposition. The best and most distinguished of their lordships might to-morrow be placed in the situation of one so charged, and must be convicted if a perjured scoundrel was to be believed upon such a principle of selection and separation of evidence. If one of their lordships were so charged with a crime which in this country was held in such abhorrence, that even the charge, contrary to strict justice, destroyed reputation before trial, he must forfeit his reputation if the charge should be supported as it might be, and the principal part of the testimony were believed. No perjury could be detected in the principal circumstances. All the skill and experience of the ablest counsel might attempt such detection in vain. The accuser had only to take care that only one person should speak to the chief part, to choose his time, and to select his place. Where contradiction could not be offered, by choosing the time and selecting the place where one of their lordships might have been, refutation would be rendered impossible, prevarication unlikely. But before any court the accused would be acquitted if the villain told a clear unimpeachable story of the principal circumstances, and yet told the least falsehood on the most unimportant particular. He asked, then, for the Queen, no other justice; he desired for her Majesty no other security, but that which their lordships would require, and be entitled to, before any other court.

"He was told their lordships would be aware that the situation which Pergami originally occupied in the service of her Majesty, compared to the sphere in which he afterwards moved, was of itself matter of suspicion. He need not tell

their lordships that such promotion was neither uncommon nor suspicious in itself; indeed, there was nothing more common than showing favour to meritorious service, by promoting the servant to higher offices. It would not be said that every man ought to be confined and chained to the lowest lot in which he happened at any time to find himself. God forbid that we should live to see the time when all situations in this country, except the highest, were not open to all. But if promotion in the present instance could be objected to, objections could be made to all promotions. At the same time, the rapidity of Pergami's promotion was greatly overstated; and, in the manner in which it took place, afforded a convincing proof that the story of love having been the cause was utterly false. Let them believe Majocchi and De Mont, and, three weeks after Pergami entered her majesty's service, he was admitted to her bed. But how did he board? He continued in the situation of *courier;* he dined with the servants, and not even with the chamberlain. At Genoa it was proved that he had not dined with her majesty. But suppose he had sat at the table, still he continued a courier; and it was only on the eve of the long journey which her majesty took, and during the familiarity of a journey to Mont St. Gothard, that he was promoted; and then he only was promoted to travel in a chaise, which he occupied alone, instead of riding on horseback. Then he was at last promoted to sit at her majesty's table. This was sufficient to show the utter falsehood and absurdity of the case attempted to be set up. The amorous, imprudent, insane Queen—for so her majesty was described—was entirely subdued by her passion for a person who exercised all this power, for weeks, and months, and years, in a menial capacity! This was not the rapidity and haste with which Love promoted his favourite votaries. It much more resembled the slow progress with which merit rose in this world. So much for the manner in which Pergami was promoted. But Pergami had not risen from the low origin which had been described. His father had been in the situation of a proprietor of moderate income in the north of Italy, and had got into difficulties, as many gentlemen in that part of the country had then done. The son sold the property to pay his father's debts, and thus became reduced; but still he was a reduced gentleman. At General Pino's he was received as such, and recognised as such. He dined at General Pino's table while he was a courier; he dined at his table in the Spanish campaign. He associated with gentlemen, and he was esteemed by all with whom he associated. An Austrian nobleman in the Milanese proposed him as a courier to the

queen's chamberlain, and he was hired by the chamberlain without the knowledge of her majesty. The Austrian nobleman had fairly confessed that he expected Pergami would be promoted, because he had formerly seen better days, and he was of an honourable mind, and his ideas belonged to his former rather than to his latter days. Pergami was, indeed, employed first as a courier, and necessarily so employed before he could be promoted to be her majesty's chamberlain.—He mentioned this, not as essential, for he conceived that he had already disposed of the case, and proved that there was not one single fact before them upon good and credible testimony; but he mentioned this, because the conduct of the Queen had been scrutinized, to show that no impropriety existed where guilt was charged. If the Queen had lowered her dignities, and had fallen into impropriety, if not guilt; if her Majesty had been guilty of unworthiness, he could stand on higher ground. Guilt there was none; impropriety there was none; unworthiness there was none. But if there had been guilt, impropriety, or unworthiness, he would have appealed to what always supported the good in the hour of trial—he would have appealed to her Majesty's former course of life. There was not a person among their lordships who would not hear the testimony that he could offer with the utmost respect. From the most powerful of all who had had means of knowing her Majesty's former course of life, from our late revered Sovereign, he held in his hand a testimonial which could not be read without sorrow. It was a melancholy proof of her Majesty's conduct—melancholy, because he who gave it was no longer among us; but it was a proof given by him who knew her better than any, and who loved her better than the rest of his family; although there was in the family one on whose love and affection she had stronger claims. It was painful to perceive the sense which his late Majesty entertained of the conduct of others towards his daughter-in-law and niece. The letter to which he alluded he begged leave to read:—

"*Windsor-castle, Nov.* 13, 1804.

"My dearest Daughter-in-Law and Niece—Yesterday I and the rest of my family had an interview with the Prince of Wales at Kew; care was taken on all sides to avoid all subjects of altercation or explanation; consequently the conversation was neither instructive nor entertaining; but it leaves the Prince of Wales in a situation to show whether his desire to return to his family is only verbal or real,—[the difference between verbal and real was a difference which George III. never knew]—which time alone can show. I am

not idle in my endeavours to make inquiries that may enable me to communicate some plan for the advantage of the dear child for whom you and I with so much reason must interest ourselves; and its effecting my having the happiness of living with you is no small incentive to my forming some idea on the subject; but you may depend upon their not being decided upon without your thorough and cordial concurrence; for your authority as mother it is my object to support. Believe me at all times, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle,

"GEORGE R."

"This was the opinion of that good man, of a man not ignorant of life, and no mean judge of human character, of the fitness of her majesty for the care of his grand-daughter. He might now read another letter, from the illustrious successor of GEORGE III.; it was not written in the same tone, it was not indicative of the same regret and confidence; it was not indicative of the same regret, but it was by no means indicative of want of confidence, or of a wish to impose trammels on her to whom it was addressed. But this letter was known to their lordships. It expressed, indeed, a desire to live separate, and it contained a plain indication that her conduct, at least, would not be watched with the rigorous vigilance of scrutinizing agency on which this case was founded. ('Read, read.') The learned counsel here read the letter.

"*Windsor Castle, April* 30, 1796.

"MADAM,—As Lord CHOLMONDELEY informs me that you wish I would define, in writing, the terms upon which we are to live, I shall endeavour to explain myself upon that head with as much clearness, and with as much propriety as the nature of the subject will admit. Our inclinations are not in our power, nor should either of us be held answerable to the other, because nature has not made us suitable to each other. Tranquillity and comfortable society is however in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the condition which you required [a condition which she never required nor even alluded to] through Lady CHOLMONDELEY, that even in the event of any accident happening to my daughter, which I trust Providence in its mercy will avert, I shall not infringe the terms of the restriction by proposing at any period a connexion of a more particular nature. I shall now finally close this disagreeable correspondence, trusting that as we have

completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity.

"I am, Madam, with great truth, very sincerely yours,

(Signed) "GEORGE P."

"Mr. Brougham did not term this, as it had been termed, a letter of license. That was a term applied to it by those who, unhappily for her Majesty, were now no more. But it could not fail to be matter of wonder to those who read this letter, that her Majesty had been watched with so much rigour —with a rigour that increased as the parties advanced in life— that she should have been beset with such unconstitutional, unsparing, and most malignant watching and espionnage.

"Such, then, was the case before their lordships. He begged again to call their attention, at the risk of fatiguing by repetition, to the two grand points of defence which he hoped their lordships would never dismiss from their minds:—first, that the case was not confirmed by witnesses, for neglecting to call whom there was no pretence whatever: the second point was, that every one witness that had been called was injured in credit. How but by these two tests could plots be discovered? Plots were often discovered by the second, when the first failed. When persons in respectable stations in life, previously of unimpeached characters, were got to give evidence in support of fraud and falsehood, the innocent must despair; escape became impossible, unless the plot appeared through the evidence—unless the testimony of the witnesses broke down under them—unless some points, entirely neglected, or incautiously secured, exposed the whole fabrication to ruin and destruction. Their lordships would recollect an illustration of this, which was to be found in a great passage in the sacred volume. He called it a great passage, because it was full of instruction, because it was just, because it was eloquent. The two judges were prepared with evidence fitted to their object, and well arranged. They hardened their hearts, that the look of their innocent victim towards heaven could not divert them from doing the purposes of unjust judgment, or from giving a clear consistent story. But their falsehood was detected, and their victim was saved, by the little circumstance of a mastick-tree. This was a case applicable to all conspiracies and plots. This little circumstance was of the unessential, but decisive kind, which the providence of Heaven made use of to detect perjury. Such were De Mont's letter; such Majocchi's banker's clerk. Those circumstances were not important to the body of the case, but they were important to the body of credit belonging to it.

"Such, my lords, (Mr. Brougham continued,) is the case now before you, and such is the evidence by which it is attempted to be upheld. It is evidence—inadequate, to prove any proposition; impotent, to deprive the lowest subject of any civil right; ridiculous, to establish the least offence; scandalous, to support a charge of the highest nature; monstrous, to ruin the honour of the Queen of England. What shall I say of it, then, as evidence to support a judicial act of legislature, an *ex-post facto* law? My lords, I call upon you to pause. You stand on the brink of a precipice. If your judgment shall go out against your Queen, it will be the only act that ever went out without effecting its purpose; it will return to you upon your own heads. Save the country—save yourselves. Rescue the country; save the people, of whom you are the ornaments; but, severed from whom, you can no more live than the blossom that is severed from the root and tree on which it grows. Save the country, therefore, that you may continue to adorn it—save the crown, which is threatened with irreparable injury—save the aristocracy, which is surrounded with danger—save the altar, which is no longer safe when its kindred throne is shaken. You see that when the church and the throne would allow of no church solemnity in behalf of the Queen, the heart-felt prayers of the people rose to Heaven for her protection. I pray Heaven for her; and I here pour forth my fervent supplications at the throne of mercy, that mercies may descend on the people of this country richer than their rulers have deserved, and that your hearts may be turned to justice."

[The learned gentleman concluded his eloquent and powerful speech at half-past twelve o'clock. It had evidently made a strong impression on the house, and for some time the noble lords were occupied in remarking on its tendency. Several peers withdrew, and were seen in consultation in the passages. The counsel on both sides also retired to obtain refreshments.]

The Lord CHANCELLOR, after a short pause, inquired what course the counsel against the bill now intended to pursue?

Mr. DENMAN said his learned friend Mr. WILLIAMS would address the court, with their lordships' permission.

The Lord CHANCELLOR observed that the rule was, that one counsel should open the case, and, when the evidence was called, that another should be allowed to sum it up, and observe on its bearing and tendency. It was quite new to allow two speeches to be delivered before evidence was adduced. In this important case, however, he conceived

JOHN WILLIAMS ESQR

One of Her Majesty's Council.

Sketched by A. Wivell *& Engraved by* T. Wright.

London, Published by Thos. Kelly, *17, Paternoster Row, Jan.y 13, 1821.*

their lordships would exercise a sound discretion in permitting Mr. Williams to address them, though it was contrary to the usual practice.

Mr. Williams, of counsel for her Majesty, desiring permission to address the house on behalf of her Majesty against the bill, before they proceeded to call evidence.

The counsel were directed to withdraw.

The counsel were again called in, and informed that the usual course of proceeding was, that one counsel should open the case, and another counsel observe upon it; but that, in a case of such importance as the present, the house, in the exercise of their discretion, were disposed to permit a second counsel to be heard to open the case of the defence, according to precedents on former occasions.

Mr. Williams then came forward to the bar. The present was a case marked by this distinguishing feature, beyond any other that had hitherto occurred, from the commencement of the world to the present hour, namely—that it presented to the mind nothing but pure and unmixed evil, without the slightest portion of benefit. His learned friend had evinced an enlarged intellect to comprehend, a power to express, a courage to meet all difficulties, a varying and shifting attitude, suited to every change in this case, in the course of his honourable and glorious exertions—exertions, the force of which was then alive in the memory, in the judgment, and in the feelings of that house. It now became his office, after the labours of his learned friend, to collect the scattered remnants, which, in the course of the proceedings on this bill, might have been overlooked or left behind, in order to fill up that measure of condemnation, which, with all his heart he hoped, and in his conscience he believed, was not remote or distant, but now awaited this prosecution, the third which had been directed against his royal mistress the queen. He would ask their lordships, who were the parties in this case? On the one side, their lordships saw arrayed before them all the weight of the crown—power, authority, wealth, influence, (that influence from whence a large portion of this evidence was derived): and, on the other, her majesty the queen, borne down by a series of harsh treatment, to which allusion had already been made,—(and on which he would say no more at present)—'shorn of her beams,' deprived of her honours—a queen, who, with reference to this prosecution, had, by the vicissitudes of fate, by the changes of fortune, by the death of some persons, by the casuistry of office in others, been deprived of the most powerful, the most active, and the most zealous of her defenders.

"It was necessary, with respect to this view of the case, if their lordships wished to allow the free and fair operation of their minds, that they should combat strongly against any thing like the ascendancy of power on the one hand, opposed as it was to the helplessness, the desertion, the want of friends, and the absence of protectors, which appeared on the other. They were told, by a wise people, to whom reference was frequently made, and not without reason, that this caution, with respect to the paramount authority of the accuser, ought to be strictly and vigilantly exercised; because if it were not, that authority might be productive of much abuse:—'Semper in hac civitate, (said Cicero), nimis magnis accusatorum opibus et populus universus, et sapientes, ac multum in posterum prospicientes judices restiterunt'—a testimony, which, at the outset, he would take the occasion to notice as remarkable on this ground, that it showed the opinion of the universal people of Rome, and of the wise and provident judges, to be one and the same. Cicero went on thus—'Nolo accusator in judicium potentiam afferat, non vim majorem aliquam, non auctoritatem excellentem, non miniam gratiam; valeant hæc omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum; in periculo vero, et in pernicie civium; repudientur.'

"There was another topic to which he would take leave to allude. He would not waste their lordships' time by stating, after the many discussions they had heard on the subject, the whole course of proceedings adopted in the courts below; but he would observe, that it was an invariable and sacred rule in those proceedings, that on the evidence in the case, and on the evidence only, was the judgment to be formed. In this case, also, he trusted that no previous opinion—that no preconception, from whatsoever quarter it might be derived—that no rumour, however frequent it might be (and, for any thing he knew to the contrary, rumours might have been frequently repeated)—should be suffered to interfere with the case; but that the evidence, and nothing but the evidence, would be the rule and criterion of every noble lord who heard him in deciding on this most important question. How did her majesty the queen stand at present? She was most critically situated, and had to surmount a variety of difficulties, which, in the case of no individual that stood at the bar of any other tribunal in England, ever had been, or ever could be encountered, while the law remained the same as it was at present. Let their lordships examine the question; and, though the subject was not new, he was sure he should stand excused (thinking, as he did, that it was a matter

which pervaded the whole cause) if he called their attention to the manner in which the evidence was brought forward. It was intimately connected with the defence, and went, in fact, to the bottom of the whole proceeding. Was there any instance, he would ask, in the history of the law of England, in which a party accused had been kept in ignorance, until the time of trial, of the precise nature of the charges that were to be preferred—of the time, place, and circumstances, under which the accusation was made? He would say fearlessly that there was none. In the first instance, the indictment must specify a particular day and place. He was aware that it sometimes covered a considerable portion of time; but he would appeal to every learned judge who heard him, if a crime were committed on the first of January—if a robbery were then perpetrated, or a house were broken open—whether an individual would be allowed for the mere love of fiction, from a vicious love of contradiction, to charge the offence as having been committed on the first of June? No; the party was informed of the time when, and the place where, the matter advanced against him as an offence was committed, as nearly as it could possibly be ascertained. Was that all? Had not the party accused been previously committed? Must he not have been committed by some magistrate of the county? and, being so committed, must there not appear, on the face of the writ, a description of the offence? In 99 cases out of 100—in 999, he might say, out of 1,000, a previous examination, a previous hearing, took place in the presence of the accused and of the witnesses adduced against him; and by means of that previous inquiry he obtained a distinct knowledge of the time and place, as well as of the persons to be brought forward in support of the charge. If it were a wicked fabrication, if it were a gross conspiracy to oppress the accused, he must at least have a specification of time and place, together with a knowledge of some of the witnesses who were to sustain the case against him. Not without reason, therefore, did the queen complain that the crime charged against her was extended over three-fourths of the globe, without any particular specification of time, but a mere general statement that it had occurred in the course of six years, and without any knowledge of the witnesses until they came before their lordships. Well, in his judgment, might the queen complain that she came to her trial under complicated disadvantages—disadvantages that would not attend the trial of any other individual whatsoever, no matter what was the subject of accusation, within the realm of England.

"He begged leave to illustrate this fact, and he would put the case to every noble lord who heard him, and particularly to those who were conversant in judicial matters:—Suppose a charge of felony, of murder, of burglary, or of robbery, to be made against an individual; and suppose it to be committed on any assignable day; the party accused was committed to prison, and the trial came on. Suppose it was a circumstantial case, and evidence was adduced in support of it from various suspected quarters, while no testimony of a contrary nature was brought forward to oppose it. He would admit it to be a case of such suspicion, that the prudence of the judge, and the conscientious feeling of the jury, could not shake off: what would then be the situation of the accused party?—Why the learned judge would say, 'If this suspicion that hangs round the prisoner be confounded—if it be really true that what looks like guilt ought not to attach to this individual—why is he silent? Why does he not produce his exculpatory proof? The thing was fresh; the proper time and opportunity for defence allowed, and yet he has failed to prepare himself.' Reasoning thus, the conclusion was irresistible; and a man might be convicted of any crime under such circumstances. But he would contrast this with a case that bore some similarity to the present. What if the individual accused was supposed to have committed the offence six years before? Would any learned judge, consistently with common sense—on which the law was founded—condemn the individual because he could not procure evidence, after such a lapse of time—when witnesses might have died—when memory might have failed—when difficulties might have interposed, which at an earlier period had no existence? No, on the contrary, this would be the language which the judge would hold:—'Why was not this charge brought earlier? What is the reason of this delay? Why has this accusation slumbered? Do you expect a miracle from the accused? Do you now expect the minds of individuals to be so alive to this subject, as to recollect persons, places, and events, which must by this time have faded from their memory?' Such would be the language of the judge. The remoteness of the period—the lateness of the charge, to which, if answer could be given, that answer should long before have been called for—those circumstances must be considered as the salvation and deliverance of the accused, for large and liberal allowance was always made for those who were thus situated. When a charge was speedily brought, powerful means often arose to defeat it, and those means might, on the moment, be made available. But, after a lapse of years, the facility by which an accusation could be

met became narrowed and contracted. If the attack were made at the time the offence was alleged to have been committed, the accused party could perhaps answer it; though, when a long period had elapsed, it might not be in his power to do so. Why were these preliminary remarks made? Because he conceived the nature of the case required them, however little their lordships might be influenced by them.

"Petitions had been presented to their lordships, calling on them to grant to the queen something like that which every subject of the realm was entitled to by due course of law. To the wisdom of their lordships it had, however, seemed meet to refuse those several requests. He now demanded of their lordships respectfully, but, in pursuance of his duty, firmly and boldly, if they would pursue the plain and direct course of justice, to extend to the queen the full advantage which she ought to derive from the delay that had taken place. That advantage consisted in what he would now state; they would expect the evidence to be clear, consistent, and precise. Now, in proportion as this charge had been delayed, their lordships would consider, that by this very delay a difficulty was imposed on the queen, which, while human nature remained as it was at present constituted, must necessarily exist,—namely, that witnesses might have died, and that the recollection of time, place, and circumstance, must in the course of years be impaired. If the charge had been preferred about the time when the offence was said to have occurred, it might have admitted of a ready answer, though it might not admit of such an answer now. How then was her majesty to be defended before their lordships? By their lordships exercising a vigilant control over the prosecuting party, in proportion to the hardships which were visited on the queen. She was surrounded with difficulties, and, in proportion as those difficulties were great, should their lordships, in hearing her case, be vigilant, indulgent, and forbearing, thinking it enough if a substantial answer were given; for he would boldly say, that to answer the accusation point by point would be a miracle. He would say, that unless the caution which he had recommended to their lordships were adopted in examining the adverse case, and unless they extended the utmost indulgence to her majesty, they never could hope to satisfy the judgment of the country. They ought to take special care, if that took place—which God, for the safety of this kingdom, avert!—if her majesty should be condemned—that it should not be by means, by the operation of which no individual in the history of this country had ever suffered in his life or liberty, in his character or his fortune!

"These preliminary remarks were well suited to that temper of mind which he called upon their lordships, not as a matter of favour, but as a matter of right, to exhibit in their examination of the adverse case, and in their preparation for that which would be offered in reply to it by the accused party. In speaking of the whole case, and before he came to examine it in detail, it was impossible not to see, and, seeing, not to admit, that the supposition which had been made by his learned friend, the Queen's Attorney-General, who had, indeed, anticipated the whole of the case, was completely substantiated by a perusal of the evidence—namely, that the whole case on the adverse side was founded and bottomed in perjury. That was a point which, in his view of it, could not be denied. However fearful the conclusion excited in their lordships' minds might be, on finding that distinct perjury had been committed before them, was it entirely new in the history of the judicial proceedings of this country—aye, and of the witnesses of this country too—to find a set of persons giving a series of testimony relative to minute details and trivial circumstances, of whom it was as clear, at the conclusion of the case, that every one had perjured himself, as it then was that he was speaking at their lordships' bar. Was the present case wholly without a motive to produce the perpetration of similar guilt? Had they never heard in the history of their country of individuals—he would not say having been got up, but—presenting themselves as volunteers for the commission of perjury? Was it an unheard-of circumstance that low-bred persons should have a disposition to insult and trample upon their superiors who had fallen from power, or who at least were in obloquy with those that were in power? Was it only in ancient Rome that a disposition existed to triumph over the prostrate fortunes of illustrious individuals? Was it only in ancient Rome that the rejected favourite of Cæsar was liable to the taunts and ignominies of the vulgar? Was it only there that the cry was raised—

——'Curramus præcipites, et
'Dum jacet in ripa, calcemus Cæsaris hostem?'

Were not their lordships aware that that very enemy of Cæsar, who was thus to be spurned and trampled upon, had been but the previous moment living in the midst of imperial favour? Did not they recollect that the satirist indignantly asked—

——'Quo cecidit sub crimine? quisnam
'Delator? quibis indiciis? quo teste?'

Did not they recollect that he added—

'Nil horum; verbosa et grandis epistola venit
'A Caprei?'

Or, in other words, that a large and swollen green bag came over from Milan? So that it was not quite unforeseen that persons might be found, who, either from a love of power, or from a desire to worship the rising Sun, or from their own base, and ignoble, and degraded natures, might be led to increase the misery of the distressed, and heighten by calumny the anguish of the fallen. But was there no other motive, besides those which he had just enumerated, that might be attributed to the witnesses produced against his illustrious client? Was there nothing in the evidence calculated to show that a belief existed—was there nothing in the Milan commission itself calculated to excite such belief—among the inhabitants of Italy, that they would not go unrewarded if they came forward with testimony against a princess who had before been the object of calumny and insult? He begged leave also to impress upon the recollection of their lordships, that not only the government of this country, but also the government of foreign countries, had been concerned in getting up the prosecution against her majesty. He did not make this assertion upon idle grounds: it had been proved to them in evidence; and, as one instance was much more decisive than a thousand unmeaning generalities, he would refer them to the printed minutes. He would refer them to the evidence of Barbara Kress, in which they would find a brace of ambassadors and a brace of ministers engaged in the worthy and reputable purpose of packing up and packing off a whole cargo of those valuable commodities which had been recently landed on the shores of this free country. The names of those ministers were mentioned in the evidence: they were representing, or, he should rather say, that they were misrepresenting, states which, as they were inferior to England, were in some degree under its control; and yet they did not hesitate to descend to the very honourable, the very dignified, and the very well-concerted plan of getting up witnesses against her majesty. He felt himself bound to lay these facts before their lordships, and to call their attention to the conduct of the ministers Berstett, Reden, Grimm, and Grilling, as detailed by Kress; for by so doing their lordships would see that something very like an undue influence had been exerted to enforce the attendance of witnesses against her majesty.

"There was also another subject which he wished to bring under the notice of their lordships—he meant the manner in which the witnesses for the prosecution had been remunerated. Might he be allowed to ask, whether the cross-examination of the witnesses had been conducted by her majesty's counsel with a forgetfulness of that point, or whether allusion had not been

made to it so often by them, as almost to have excited the disgust of their lordships? Had they not put questions relative to the manner in which they were to be remunerated to every witness who had been called? and had there been an instance of any witness acknowledging the receipt of money after the effect of the excessive payments to the captain and mate of the polacre had been discovered? Was not that very circumstance even more condemnatory of the case than the excessive payments which had been made to the other witnesses? There had been no desire on the part of her majesty to shrink from such an inquiry: her advocates had ever courted it, and had been loud and clamorous in their demands for an explanation upon that point. Had that explanation been given by those who conducted the present prosecution? No, it had been carefully and cautiously withheld.

"Another point, connected with that on which he had been just speaking, deserved the attention of their lordships. They had not, he trusted, forgotten that his learned friend, the Attorney-General, at the conclusion of his case—for, without meaning him any disrespect, he (Mr. Williams) must call it his (the Attorney-General's) case, from the manner in which he had conducted it—had made a singular application for delaying the further proceedings of this bill, on the ground that certain witnesses, who were wanted to prove an act of adultery at Lugano, had not arrived in the country. Singular as that application was, it had been made. A night intervened. In the morning that application was relinquished. The reason was apparent. In ordinary cases such an application could only be sustained by calling the attorney, or some agent to the party, to prove, upon oath, that the evidence of the absent, but expected witnesses, was important to the case. Had any evidence to that effect been tendered to their lordships? Had Mr. Powell, whose presence in court such circumstances absolutely demanded, been called before their lordships? No; the application had, as he had before stated, died quietly away; the opportunity had been allowed to perish, which had been offered to the adverse party, of proving that it was an unjust accusation against them to say that they had disbursed large sums in procuring witnesses from Italy, or that they had afforded funds to their foreign commissaries, to their agents in law, to their agents in equity, and to their agents militant—indeed, he knew not by what terms to designate them—to procure men whose consciences were vendible. That opportunity, which they ought to have eagerly embraced, they had wilfully neglected; and the conclusion which he drew from such conduct was, that money had been largely and lavishly expended to get

up this prosecution. At that conclusion he had arrived, not upon the testimony of Italian witnesses, (of whom, as of the ancient Greek, it might be said,

'Græculus esuriens in cœlum jusseris, ibit,')

not upon mere surmises, but upon facts which went home to the minds and bosoms of men. The funds of corruption, he must again repeat it, had been afforded, or why had Mr. Powell been withheld from joining in the application made by his learned friend the Attorney-General?

He next adverted strongly, and at considerable length, to the gross contradictions in the evidence of Majocchi, respecting the number of passages into the room occupied by Pergami, when he was ill at Naples, and the manner of sleeping of the household. At one time he swore there was but one passage; at another, that there were two: at one time he swore that the rest of the household slept at a distance from the apartments occupied by the princess and Bergami; at another, that he did not know whether the rest of the household slept near to, or distant from her royal highness.

"He would now call the attention of their lordships to the mode of examination which had been pursued during this inquiry. If it had been accidental, he could not help but lament it; but it was a very singular coincidence that every thing which could injure the queen had transpired, whilst every thing that could benefit her had been withheld. If this was the effect of accident, it was a peculiarly unfortunate throw of the dice for his illustrious client. He would refer them to the printed minutes, where the queen's going to bed was the matter of inquiry; and, as it was imputed to her at Charnitz,

'Quæ regio in terris nostri non plena laboris,'

that an adulterous intercourse, or, in other words, adultery had been there committed, it was requisite to observe the manner in which that circumstance was stated.

'Who went to bed in that room besides her royal highness? did any body? Myself.

'At what time did you go to bed? Nearly ten o'clock.

'At what time did her royal highness go to bed? At the same hour.

'In the same room? In the same room.'

"In reality the queen had, at that time, no more gone to bed than he (Mr. Williams) was at the present moment. He should now just beg to refer their lordships to the following questions and answers in Demont's evidence:—

'Had the princess undressed? I do not recollect; she was in bed, but I do not recollect whether she was undressed.

'Do you remember the dress that the princess was in the habit of wearing at the time? Yes.

'Was it not a blue habit trimmed with fur round close up to the neck, with a great deal of fur about it? Yes, there was a great deal of fur here (about the bosom); it was a blue dress.'

"This sort of dress, the evidence showed, was rendered necessary by the frosty state of the weather at the period spoken of. The witness then went on to state, that she did not recollect having seen the princess throw off the fur dress in the course of the day. A great deal would, in the after-part of the case, depend upon this circumstance, and would show to the world that this was a triumphant case for her majesty the queen. Was it, he asked, dealing fairly towards the queen to put some questions to a witness which left a matter to be caught by inference in a most injurious way, of which there was no proof, or semblance of proof, by direct fact? He should be fatiguing their lordships were he to adduce the almost numberless instances, throughout the evidence, in which much was disingenuously left for inference, which could not be substantiated by even a shadow of proof. After describing the state of the tent, the witness (Demont) went on thus: She was asked—

'Did you go to the tent for the purpose of assisting in undressing her royal highness? Yes.

'Was she undressed as usual? Yes.'

"She then describes that she left the princess undressed; but he entreated their lordships to refer to what she says on her cross-examination:

'You have described stopping at Aum? Yes.

'Do you, or do you not, mean to say that you undressed the princess at Aum? I recollect I was under the tent of the princess, but I do not recollect whether I undressed her or not.

'Do you mean to say that the princess was undressed under the tent at Aum? She had pulled off her upper habiliments.

'Do you mean by that the dress in which she had been riding, travelling? Yes; a gown or robe which was open.

'Do yo mean, more than the outer garment, of whatever description? I do not recollect if it was any thing more.'

"Thus proceeded the scheming chambermaid with one story at one time, and a different one at another, though she had been long prepared for her statement, for she had been examined at Milan, examined also in England, before she was brought to their lordships' bar; sworn also in these private examinations—a thing never heard of before in a civil or criminal court of this country; or if heard of, only heard to be reprobated. He was therefore justified in saying, that, instead of its being left open to inference that the princess was undressed in the tent, he had it from the mouth of Demont

herself that she only took off her riding-dress, and threw on a night robe over the ordinary dress she wore beneath the travelling-cloak. He repeated, was it quite fair then, either to the queen or their lordships, to have made such groundless insinuations? If time had had in this case its usual operation, and that the parties had either forgotten all recollection of the particular events, or that the witnesses who could prove it had fallen off in the incidents of human life, then the queen might have fallen a sacrifice to a foul conspiracy, for she would have been without the means of a successful defence. He implored their lordships then—he demanded of them, if they would excuse the phrase in behalf of his royal mistress—to look closely at the texture of the evidence produced at their bar. Why did Demont, he would ask, conceal this, when the questions were first put to her? Was it to avoid being caught and detected in that odious monosyllable, which he would here, for the sake of delicacy, merely call, in a borrowed phrase of her own, a *double entendre?* It was very singular, too, that the questions should have been, on the part of the prosecution, so put as to create all the inferences, which, by a strange coincidence, should have an injurious tendency against the Queen. He should not attribute motives; he disliked harshness; but he thought the coincidence to which he alluded was extremely singular throughout this case. In the evidence, he found the matter again alluded to in a similar manner, where Demont described the circumstance of the queen's changing her dress, to represent the genius of history at the grand masquerade at Murat's court. The following were the questions and answers to which he referred:—

'What dress did she assume the second time? The genius of history.

'Did she change her dress entirely for that purpose? did you assist her in changing her dress? I did not.'

"And though she, by this answer, admits that she did not; and afterwards says, she did not enter the room at the time; yet she had still the pertinacity to speak of an entire change of dress, though the queen might merely, as on the other occasion, have changed her outside robe, and put on another, more in unison with the second character she meant to assume. This was the part of the subject which was coloured up so highly by the learned counsel for the bill—this was the part of the case on which so much stress was laid, and wrought up not only with all the ingenuity of an advocate, but something of the imagination of a poet. He would take one or two instances more of the fertility of invention used

on the part of the prosecution. Let them look at what was said by Majocchi—a name not easily to be forgotten while the name of England or its language should endure. Which of their lordships ever learned, from the questions put to Majocchi in his examination in chief, that the shores of England had ever been honoured by the witness before he was brought over to be presented at their lordships' bar? Which of them ever thought Majocchi had been at Gloucester, had been in London, had been about, in stage-coaches, here and there and elsewhere? This information, which must have been known to the prosecutors, was entirely kept from their lordships and the queen, until it reached her majesty's counsel after the regular examination of Majocchi had been gone through, owing to the most accidental circumstances. Were it not for this accidental information Majocchi would have passed away unheeded, as one of the new importation, for whose use the adjoining place had been so appropriately fitted up. Had it been earlier known that Majocchi was in England, inquiries could have been made, which would have thrown a light upon his character and testimony. Majocchi had, by this concealment, all the advantage of appearing at the bar as dull as a post, while the questions were putting through the medium of an interpreter, and all the opportunities while that was doing of pondering upon and collecting his answers. Of this comfortable delay, no doubt, he had amply availed himself. Care was also taken, in the case of the captain, to conceal the fact that he had still some unsettled claim upon Pergami, founded on expectations held out to him for the conveyance of the royal passenger. This had been well omitted at first by the captain, who, when he should return to his own country, would no doubt find himself loaded with honours, and the admiration of his fellow-countrymen, for the remuneration he should have acquired by his trip, and which greatly exceeded the earnings of a long portion of life, if devoted to his ordinary pursuits. The information respecting the unsettled claim of Pergami fell out, or rather tumbled out by accident, in the progress of his evidence. The odds were surely extremely high that such omissions were not so repeatedly accidental.

"The learned counsel then proceeded to comment upon the summing up of the Solicitor-General, and particularly upon that part of it in which he stated that the courier (Pergami) was present while her majesty changed 'the entire of her dress'—a statement utterly unwarranted by the evidence upon which his learned friend was then commenting. Besides assuming the 'entire change of dress,' he also assumed

that it took place in a bedroom, of which there was no attempt at proof in evidence. In fact, in one sentence of that summing up, there would be found gratuitous assertion, unfounded assumption, and mis-statement of facts. It was perfectly clear that these mis-statements and false inferences were introduced for the purpose of prejudicing their lordships' minds, and attempting to create an undue and unwarrantable impression against the queen. He was perfectly willing to believe that his learned friends acted upon the instructions they received, and that the concealment of the facts lay with the witnesses. On the subject of the dress, their lordships would recollect how closely he had questioned the witness: he entreated their lordships to bear in mind her answers, and the subsequent light she threw on her first statements. He asked this of their lordships in the well-grounded expectation, that as they were not indulgent at first, they would be vigilant at last. He had elicited the explanation respecting the dress, on which so much had been said, because he did not believe that at the Neapolitan court, attended as it was by the nobility of the country, any such indecent dress could have been displayed. The evidence left his learned friend's description of that dress utterly unsupported, as it did his other statement of the queen's having been hissed out of the theatre of San Carlos. Why, he repeated, were such statements made to reflect upon the character of her majesty, when not a single syllable of evidence could be adduced to support them? One assertion by the Attorney-General was, that the queen had been hissed by the audience out of the theatre St. Carlos, but had this injurious imputation received any support from the evidence? Was it not clear, on the contrary, that Demont had deceived the learned counsel,—had imposed upon them by a story which she had not afterwards the effrontery to maintain at the bar? The presumption of British justice had hitherto been, that a person should be considered innocent until proved to be guilty; and if ever a case had arisen where it ought to prevail, by every sense of duty, by every feeling of delicacy, by every impulse of humanity, it ought to prevail in this. It could not be impressed too deeply, nor meditated upon too intently by their lordships.

"One of the strangest incidents in the whole proceeding had been the rare and curious composition of the memory of Majocchi; it was a most singular, nay, an unnatural, an impossible memory—it was all on one side of the question—it was a perfect blank to every thing in favour of the queen, and crowded with inventions and falsehoods to destroy her inno-

cence. He begged the house to bear in mind the instances adduced by his learned friend; for it was as manifest as that the sun had not yet set, that a witness might commit perjury in a negative shape, in the same way that an injury might be done by omission, as her majesty had more than once experienced. In the evidence, Majocchi, with a degree of condescension to which he was not often prone, when he spoke of the sickness of Pergami, when the queen visited his bed-room, mentioned the name of Dr. Holland as having been present; but when the Queen's Attorney-General was endeavouring, in his cross-examination, to explain that visit in the most innocent way, by showing that Pergami was too ill to allow the possibility of guilt, then this adroit and accomplished witness, Signor *Non mi Ricordo*, with a memory so accommodated to circumstances could not recollect that he had ever seen any medical man at all with Pergami.

"He now came to some circumstances connected with the evidence of Mademoiselle De Mont, who was also, in some respects, a signal instance of impartiality of memory. Before, however, he proceeded, he begged to put it to their lordships whether they believed there was a word of truth in the ingenious, elaborate, composite explanation attempted by this lady of what she had once deliberately written. When cross-examined on the first day, when attention was called to her letters, she had never dreamed of mentioning any thing like a *double entendre*; the day passed away, and no explanation passed her lips. On the following morning, however, she thought she could mend her story: she had slept upon the matter, and above all, within the circuit of less than a hundred miles from the House of Lords, for he would not assert that it was within the walls, she had had a conference with some person that was of most material importance in doing away the force of the expressions in her correspondence. Whether that conference had lasted for two hours or for five, was of no consequence; the result of it was, a regular explanation, as systematic as any of the orations of Cicero: it was formed on a classical model, like the speeches of the king's Attorney-General, who was perhaps the only man of the present day who could be at all compared with the orators of old. De Mont's explanation had a beginning, a middle, and an end, and the whole was the effect of that interview and rehearsal which she had afterwards acknowledged, but at first denied, insisting that after the examination of the preceding day she had gone home directly, which neither in French, Italian, nor English, in Greek, Latin, nor Hebrew, could mean any thing but that she returned without delay. After all this preparation and study

—after consulting the prosecutors, and her pillow—was her explanation in any respect satisfactory? He would venture upon this general assertion, that it had not the shadow of a shade of sense in it—that there was not the slightest pretence for it in the letters, which were in themselves perfectly intelligible, and, with her gloss, perfect obscurity. It would be to trifle with the time of the house almost as grossly as she had trifled with her oath, to use any argument to shew its absurdity. The author of some future comedy would here possess a fine original, upon which to draw the character of an intriguing, shuffling, lying, artful, chambermaid. He put it to their lordships, whether it was insulting common sense to pretend that by the expression of 'the capital of Europe,' in one of her letters, she meant that obscure spot which had given her birth, and to which it were to be devoutly wished that it had pleased God to confine her. At least she was desirous that it should be left doubtful whether by 'the capital of Europe' she meant London or Colombier: *neque rationem neque modum habet ultum;* the thing was wholly incredible; and it would only be *rationem insanire,* as the comedian expressed it, to waste words upon its refutation.

"He adduced these as specimens only: he left the great mass to their lordships, who no doubt would examine the whole evidence with more patience and industry than he had done, because they had more high and important duties to discharge than those by whose weight he, as an advocate only, was oppressed. They would find, in the evidence, De Mont was trying her hand in one of her letters to her sister at a panegyric, and she chose as her subject her gracious and illustrious mistress, the queen. 'How often (said she) in a numerous circle, whilst, with all the enthusiasm which animated me, I enumerated her great qualities, her talents, her mildness, her patience, her charity, in short, all the perfections which she possesses in so eminent a degree; how often, I say, have I not seen my hearers affected, and heard them exclaim, how unjust is the world to cause so much uneasiness to one who deserves it so little, and who is so worthy of being happy.'—He asked their lordships again, whether they believed all this to be but the fraudulent cover for malignant hate? Did it mean what it expressed, or any thing else? Was it at all improbable that the writer should be sincere? Was the object of her eulogy undeserving of it? Was she the only person who entertained this opinion? Had no one else said as much, or nearly as much, of the same illustrious female? He thought that he had heard something very like it before, and that from no mean authority—from a man of an elegant classical taste—

who was celebrated for his spoken and written compositions—who was gifted with a knowledge of ancient and modern languages. He had pronounced on an occasion of no little solemnity, that the queen was 'the grace, the life, and the ornament of the society in which she moved' Was this testimony to be taken in favour of her majesty, or was it also, like the panegyric of De Mont, to be looked upon as a cover for malignity, and a *double entendre*, which explanation only served to render more profoundly obscure? If, then, the queen were worthy of this laboured panegyric from so accomplished a source, surely the house would not consider her undeserving of the inferior encomium of a Swiss chambermaid. But he (Mr. Williams) would do De Mont justice against herself; he would assert that she belied her better knowledge, and her better nature, when she attempted to give any other sense to her letters than the obvious and clear import of the language she employed. For aught he knew, if it were necessary, he might bring to their lordships' bar the distinguished individual to whom he had alluded, who had publicly declared his opinion of the excellence of her majesty, to repeat in testimony the tribute of admiration he had so justly bestowed.

"He would now claim the attention of their lordships to a declaration made by the learned counsel on the other side, and to which he had listened with much satisfaction, and with perfect concurrence: it was this—'that every part of the evidence that might be deemed material, without regard to its influence or impression, should be brought forward; for it was the duty of the counsel in support of the bill fairly and candidly to present to the house the whole case, without considering themselves as it were the advocates of a party in a suit.' Nothing could be more proper than such a declaration: if they had acted up to it, the queen would have had nothing to ask: it was the whole of her case. 'We undertake (said they) to bring before your lordships all the evidence the case affords, not of a condemnatory nature only, but the whole evidence, whatever be its import or effect, whether it be for or against the Queen of England.'

"Such was the engagement into which they had entered, and with infinite pleasure he had treasured up these proverbial words of wisdom and liberality. It was, in fact, not a dispute between adverse parties; it was a solemn proceeding, not to gain a victory or some petty triumph, but to arrive at truth, the whole truth, by means of the evidence and the whole evidence. It was therefore with infinite regret and signal dismay and astonishment that he had afterwards heard the Solicitor-General, in his summing up, make no less than four distinct

challenges to the queen's counsel, in the same way as if it had been a mere *nisi prius* case for the recovery of 5*l.* for goods sold and delivered. He had dared them to produce Louis Pergami, Bartolomeo Pergami, Brunette, and another witness. He mentioned this to show the gross contradiction between the principles and the practice of the other side—between their high-sounding professions and their conduct. Where were now those words of wisdom and liberality in which the people of England were assured that the whole case should be fully fairly, freely, and fearlessly investigated. They were mere words, answering a temporary purpose, but never intended to be carried into effect. Had the Attorney-General taken one step to perform what he had promised? Where was Dr. Holland? Where was Lieutenant Hownam? Where were the noble ladies attendant upon the queen? Had any of those competent and credible witnesses been adduced? No: but *dum tacent loquuntur*—their absence was as useful to her majesty as if they had been brought to the bar: the other side had not dared to call them, which showed what must have been the import of their testimony to the vindication of the queen, and the condemnation of her accusers. This sort of challenge had been imported into this great inquiry from civil causes, where it was often pressed too far; but in all criminal proceedings, even in our lower courts, the party bringing the charge was bound to establish it by sufficient evidence; and if he failed, the accused was not bound to supply the deficiency, or to establish his innocence in the absence of all proof of guilt.

"He did not say in the history of English justice, but in the history of English injustice, (for such it would be,) who had ever heard of an unfortunate accused being met by being told, 'If you do not call this or that witness, whom the prosecutor had it in his power to bring forward, we shall consider that you acknowledge the justice of the charge?' The case ought never to be left doubtful, or if it were, the prisoner had a right to the benefit of the doubt. If he (Mr. Williams) in the course of his professional duty indicted a man for murder, and purposely kept back from the jury a witness, because he might possibly say something to lead to the acquittal of the wretched being, he should consider that he, as a counsel, was a party to that man's death when he was hanged for the crime. But this was not even a case of that description: it was far more important than even a case of life and death, and legal manœuvres, and the dexterity of practised advocates, were wholly out of their place; they were unbecoming both the subject and the situation. He was earnest upon this point, because he felt earnestly; he felt here, not merely for the inte-

rest of his illustrious client, whose character, honour, and dignity, were at stake, but for the country itself, whose tranquillity and happiness were not less in jeopardy. He called upon their lordships, therefore, to weigh the matter well, and to deliberate carefully and anxiously before they allowed this challenge to operate against the queen. 'I defy my learned friends (said the Solicitor-General) to call Louis Pergami.' What did he mean by this, but that if the call were not complied with, he should obtain the verdict, he should gain his point; and what was that point which was thus treated as a question regarding a farthing damages? It was no less than the passing of this dreadful measure, the accomplishment of one of the most terrible mischiefs by which the country could be afflicted.—What, however, was Louis Pergami to prove when he was produced? how was he implicated? In no other way than that Majocchi, speaking of a breakfast at which the queen and Pergami were seated at the same time, swore that either Louis Pergami or Camera waited upon them on the occasion. So that even the presence of Louis Pergami was not vouched, and the Solicitor-General had gone beyond the manœuvre, the artifice, the legerdemain, the dexterity, the trickery of an advocate in the pettiest cause that ever degraded the meanest court of justice in the kingdom. Next he said in the same spirit, 'I defy you to call Bartolomeo Pergami:' but here again it was *telum imbelle sine ictu*? there was all the will to wound, but the blow was impotent and harmless; for suppose this person were produced at the bar, did not the experience in the world of every man show, that supposing the crime of Pergami more or less, his answers at the bar upon this subject must necessarily be of one description only. Such an attempt on the part of the Solicitor-General in a case of this kind was a shameless prostitution (without offence be it spoken) of a low, contemptible trick of courts, unworthy of the wisdom and of the great political and legislative character of the House of Lords.

"This was not a trial at *nisi prius*, it was a bill of pains and penalties, a measure which Lord-Chancellor Cooper had declared, in his celebrated protest, ought never to be resorted to, but in cases of the last necessity; and for this reason he (Mr. Williams) asserted that the analogies of common law proceedings had been shamelessly introduced. The charge against the queen was of no distinct crime known to the law, and the law therefore had affixed to it no specified punishment; to talk of analogies was therefore ridiculous, and the house in its political and legislative capacities, both of which were here to be exercised, ought not to be guided, much less governed,

by any low technicalities. He hoped, then, he should hear no more of analogies, which were only talked of whenever they tended to abridge the rights and injure the cause of her majesty. Protesting to the utmost of his power, as zealously as his honourable friend, that the non-production of these witnesses on the other side was a clamorous evidence in favour of the queen, nevertheless there were high interests at stake which rendered it necessary that they should be called. Witnesses their lordships would have—the challenge would be met; but with respect to what would be proved, he begged, in what he should now state, to be distinctly understood. On the other side, three years' application had been devoted to the case; equitable, legal, and military commissions had been sent out; examinations upon oath, and without oath, had been taken. Witnesses had been interrogated in Italy, on the road, and in this country; so that every letter and figure of what they could depose had been distinctly ascertained. The queen had possessed no such advantage."

The Earl of LAUDERDALE here interposed, and observing that it was now four o'clock, and that the learned counsel was entering upon a new branch of his subject, he recommended that the house should adjourn until to-morrow.

Adjourned at four o'clock.

TWENTY-FOURTH DAY,—THURSDAY, OCT. 5.

COUNSEL being called in,

Mr. Williams resumed his address. "He remarked pointedly on the deficiency of the counsel for the bill in calling all the witnesses that might naturally have been expected, while, on the other hand, the counsel on the part of the queen were, in consequence of the difficulties that were opposed to the production of evidence on the part of her majesty, driven almost to the necessity of not calling any witnesses at all. He would commence by stating one or two facts illustrative of those difficulties. Their lordships would recollect the nature of the allegations stated by the witness, Barbara Kress, of her seeing the queen and Pergami in a bed-room together, at Carlsruhe, connected with some details about the situation of Pergami's arms. For the purpose of repelling this charge, her majesty felt it necessary to require the presence of a chamberlain of the Grand Duke of Baden, who had attended her constantly during the whole of her residence at Carlsruhe. Feeling the importance of this evidence, her majesty wrote a letter with

her own hand, with which she despatched a special messenger to the chamberlain. This application, together with two others, although the queen wrote also to the grand duke, failed of success. On the last occasion, the messenger sent by the queen, to obtain the attendance of the chamberlain, was informed by him, that he was willing and desirous to come to England, but that he had orders from the grand duke not to do so. Thus the refusal to suffer a witness to come over in favour of the queen came from the very same quarter, which employed the agency of two ministers, and two ambassadors, to compel the woman Kress to come to England. The operations for procuring evidence appeared to run all one way. It was also important to observe, in reference to certain unfounded charges against her majesty, respecting the choice of her residence and society, that her majesty, wishing to occupy a palace at Zastrow, had entered into negotiations respecting it, which had proceeded so far that the very same chamberlain, of whom he had already spoken, had gone so far as to purchase furniture for the equipment of this palace. When the affair was in this state of forwardness, a notification was given to the queen, that the residence of her majesty would not, perhaps, be agreeable to this court; and, on that account, the palace was refused.

"He now came to another point. With a view to elucidate the character and conduct of Pergami, it was desirable to procure the attendance of General Pino. But an intimation was given to General Pino by the Austrian government, in whose service he was, that, if he came to England, he must not appear in uniform. Thinking this an odd sort of intimation, he inquired whether, if he came to England, he would lose his commission? And, receiving no answer, he had not gone to England, and he might add, that he would not come. Did not these plain facts sufficiently show how the case before their lordships was got up? But there were other persons who refused to come. There were some physicians, and, he understood, some lawyers, who were prevented from attending by the interference of either our high or low alliances. The learned gentleman proceeded to show, that if this case was, as had been contended, one of open, undisguised, and notorious guilt, the proof would have been proportionally easy. But the badness of their cause was evinced, not only by the kind of evidence, which the prosecutors had brought forward, but also by that which they had withheld. Why had they not called Anne Preising, who had been with the queen, during the first two months of the alleged intimacy with Pergami, and who was now among the recruits in the virtuous sanctuary of Cotton Garden? But they

did not; they dared not call her. He next commented on the extraordinary delay in bringing forward these charges. Why was a time suffered to elapse, which, if it had been a case of high treason, would have formed the ground of instant acquittal? For, by the statute of William, if, in a case of high treason, three years were allowed to elapse, the provisions of that statute interposed, and a prosecution of that description would be prevented. It was not what had been done in Italy, but the queen's coming to England, that occasioned the preamble of this bill. The single fact, that, with a knowledge of the alleged criminality, the charge had slept for three long years, must make a deep impression on every unbiassed mind. He now commented on some parts of the evidence of Demont, to show how she gradually improved in her evidence. There were three editions of her evidence, in each of which she improved upon its predecessor, until at last she rendered it complete. He expatiated particularly on the manner in which she gave her testimony respecting the stairs, and the night excursion of Bergami. He next adverted to the evidence connected with the polacre. He contended that Demont not only did not confirm, but materially contradicted Majocchi. It would be shown that a physical impossibility existed of introducing the bathing tub into the cabinet, where it was described by Majocchi to have been used. It would be proved that the queen and Pergami, when laying in bed, could not as had been falsely asserted, see each other. It would be proved that it was impossible Majocchi could have heard the noises he had described; that the communication between the tent and below was constantly open; and that her majesty did not sleep undressed as was usual in bed—she slept with her clothes on.

"After some untoward accidents, and some attempts at surprise in Italy, the queen reposed no where without some person to protect her. Why was not the steersman or any of the crew called? They, or some of them, were always in the neighbourhood of the awning, under which her majesty reposed. The counsel next commented on the adventures described by Demont, on the night on which her majesty went to the opera at Naples. He stated circumstances, by which the whole of this invention would be completely disproved; as would also the alleged indecency of her majesty's dress when she appeared in the character of the genius of history. The circumstances stated by Kress would be completely invalidated, and herself shewn to be unfit to be believed upon her oath. He next adverted to the circumstances alleged to have happened upon the return of Pergami to Charnitz from

Inspruck, which he affirmed would all fall before the facts which her majesty's counsel would be enabled to place before their lordships. The horrid indecencies of Sacchi would be equally disproved; for it would be shown that he was not present, and that there were no curtains to draw. It would be proved that the changes made in the apartments at the Villa D'Este, were all made without any directions from her majesty, but for very satisfactory reasons, which the learned counsel fully explained. He should now advert to another alleged fact, the bathing in the Brescia, detailed in the evidence of Antonio Bianchi. It would be distinctly proved that the Brescia, where this scene was laid, was altogether a mountain stream, in which, in dry weather, there was no water at all, and which in the rainy season, was so swoln as to render bathing in it pretty much like bathing under London-bridge at low water. There was one thing more to be noticed, after which he did not think he should trouble their lordships with any other point. Their lordships would, no doubt, recollect the antediluvian scene of Adam and Eve, described in the evidence of the mason, Raggazzoni. It would be shown to be as impossible that this witness should see what he describes to have seen, as that a person from St. Paul's cathedral should see what is passing in the house of lords. Consequently his testimony was false, foul, and malignant. It was to be observed in general of the witnesses against the queen, that they had been sent over with the stamp of the Milan commission; and there kept and held together in a manner as was never known of any other witnesses of whom he had ever heard. It was not single and detached portions of this case that was demolished, but the whole of it taken together. There was not one of the witnesses whose veracity was not shaken on many points; and who could affirm that such witnesses could be believed on any? In such a case, to draw the line between truth and falsehood, was impossible. If any of them happened, on insulated points, to speak truth, they were still, from their general character, incredible. He here expatiated on the difference between the evidence of Demont and the tenor of her journal; and contrasted the evidence of the discarded servants of her majesty with those of captains Briggs and Pechell. What was it their lordships were now doing? They were casting a burning firebrand, of an anti-monarchical quality, into a magazine filled with materials ripe for combustion and explosion. Such would be the fatal catastrophe, if this demoralizing and dethroning investigation were pushed to its utmost extent, and that too upon such evidence as had been adduced at their lordships' bar. That their lordships, looking

to the interests of posterity, might assuage heats, remove animosities, and haply, peradventure, and by great good fortune, even yet maintain the peace and prosperity of this great empire, was the second wish that animated his heart. The first was, since hazards were incurred, and consequences had been neglected, that, at whatever hazard and with whatever consequences, the cause of substantial justice might triumph."

The counsel were directed to withdraw.

After some observations from Earl Grey, on the obstruction of justice by the obstacles thrown in the way of the witnesses for her majesty, and a reply from the Earl of Liverpool,

The counsel were again called in, and the counsel for the queen were informed, that it was the wish of the house that they should state whether they were prepared to prove the facts they had stated at the bar, respecting the chamberlain of the Grand Duke of Baden and General Pino.

The Attorney-general of the queen stated, that in the arrangement of the evidence he had not anticipated the calling evidence to this part of the case so early in the proof, and that in consequence the witnesses who must prove a part of those particulars were still abroad; that he was prepared to put in the correspondence with Mr. Henry, who was at the head of her majesty's affairs at Milan, which was such as would enable any solicitor to make an affidavit in a common cause in a court of justice of his information and belief, but that he was prepared with more specific proof of the circumstances attending the absence of the chamberlain of the Grand Duke of Baden. That he admitted the government of this country had offered to the legal advisers of her majesty all facilities in their power for the procuring the attendance of witnesses, but that her majesty's advisers were not satisfied how far the power of this government might go in procuring the attendance of witnesses against the bill; and that objections had been felt to stating, at a distance of time before their production, the names of the witnesses whom it was meant to call, in consequence of circumstances which it would be his duty to prove in the progress of his case.

The counsel were directed to withdraw.

The counsel were again called in.

The counsel were asked, whether they conceived that the production of the evidence as to the refusal of the chamberlain of the Grand Duke of Baden, at the present time, was material?

The Attorney-general of the queen stated, that he con-

ceived it most unquestionably was. He further stated, that it wa only within the last day or two he had been aware of this fficulty.

FIRST WITNESS.

Then *James Leman* was called in, and having been sworn, was examined by the Solicitor-general of the queen, as follows :—

Are you a clerk to Mr. Vizard, the solicitor for her majesty? I am.

Were you sent by her majesty to Carlsruhe? I was.

On what day did you leave England? On the 1st of September.

On what day did you arrive at Carlsruhe? On the 14th of September.

Were you provided with any letters from her majesty, addressed to any gentleman at Carlsruhe? I had a letter from her majesty, directed to the chamberlain of the Grand Duke of Baden, the Baron D'Ende.

Did you inform the chamberlain that he was required as a witness upon this proceeding? Yes, I did.

Do you recollect on what day that was? It was on the 17th that I first saw him.

Did you on that day make that communication to him? I did.

Did you take his deposition with a view to instruct the counsel for her majesty to examine him at the bar of this house? The chamberlain of the grand duke keeps minutes of the transactions of every day; those minutes were at Baden: it was at Carlsruhe I saw him: the first time I saw him was on the road between Carlsruhe and Baden; I met him.

You first saw him on the 17th, on the road between Carlsruhe and Baden? I did; I informed him that the object of my coming was to request that he would attend here as a witness on behalf of her majesty.

Did you at any time take his examination for the purpose of instructions to counsel. On the 20th.

Do you know whether he then had an opportunity of consulting his minutes? Yes, he had; his minutes were at Baden, and he consulted them while I was by.

You took that deposition at Baden? I did.

That was on the 20th of September? It was.

Do you know whether the grand duke was at that time at Carlsruhe? I know he was absent.

When did he return to Carlsruhe? On the 21st.

The day after you had taken this deposition? Yes.

Was the Baron d'Ende willing to come as a witness to this country? Yes, he was.

At the time that you took his deposition on the 20th? Yes, he was.

Did he state any condition on which alone he could come to this country? He said he could not come without the consent of the grand duke.

After the return of the grand duke to Carlsruhe did he then make any statement as to his coming to this country? He told me on the 23d, which was the morning he had seen the grand duke, that the grand duke had refused to grant him permission to come.

Be so good as to state, if you can, the precise words he made use of?

He came to me and stated, I have bad news for you, the grand duke will not let me go.

The Attorney-general stated, that he would not interrupt the examination, unless it was supposed it might have a bearing upon the case itself; that if it was understood to be a collateral inquiry, with respect to the conduct of his majesty's government, or the interference of the grand duke, with that he had nothing to do.

The counsel were informed, that in the opinion of the house, that which the chamberlain had stated, as to the words of the grand duke, was not evidence; that it would be hereafter to be considered what was the effect of the queen not having procured the witnesses she desired.

The Solicitor-general of the queen stated, that he did not examine to this as bearing upon the facts of the case.

The Solicitor-General of the Queen.—Did he state any other reason for not coming? I am not aware that he did; he stated that he enjoyed his Hanoverian estates through his majesty, or through his majesty's kindness; but that he would not let that be a difficulty in the way of his coming to this country as a witness, because he was satisfied his majesty would not think ill of him for coming as a witness.

Did you make any other application to him in regard to his deposition? I did; I wrote him a letter requesting him to make a deposition, before the legal authorities of the town, of the facts he had stated.

Did he do so? He did not.

Did he ever give you any other reason for not coming than that you have stated? No.

Did he give you any reason for not making that deposition? That he could not do it without the consent of the grand duke, and that he had not that consent.

Was there a person of the name of Mandeville there? There was.

Was he in the presence of yourself and the chamberlain? He was not.

At no time? No; but he was in the hotel that I was in, and I dined with him most days.

He knew of your being there? He did.

Did you communicate to him your being there on behalf of her majesty? I did not.

When did you return to this country? The day before yesterday.

Do you know whether, during your stay at Carlsruhe, any other person arrived on the part of her majesty the queen? A Mr. Sicard.

Do you know that yourself? I saw him arrive.

You returned the day before yesterday? I reached London the day before yesterday.

EXAMINED BY THE LORDS.

Lord Grantham.—In what language did this pass between you and the chamberlain? Principally in English; he speaks English very well.

In what other language? In French.

The witness was directed to withdraw.

SECOND WITNESS.

Then *Anthony Butler St. Leger, Esq.*, was called in, and having been sworn, was examined by the Solicitor-general of the queen as follows :—

Were you chamberlain to her majesty the queen? I had that honour.

How long did you continue in that office? About eleven years.

From what period? From 1808 to October 1819.

Did you go abroad with her majesty in the year 1814? I went as far as Brunswick with her majesty. Her majesty dispensed with my accompanying her on her tour, on account of my health, and, on account of my family, and she was good enough only to require that I should attend her as far as Brunswick.

You say her tour, what tour do you refer to? Her intention of going abroad; it was then said Germany and Italy, as I understood.

Was that understood before you left England? It was so.

According to that permission, did you leave her majesty at Brunswick? According to that permission I left her majesty at Brunswick, as she was good enough to say, that when I got to Brunswick I might return when I chose.

In the course of the last year, the year 1819, did you receive any communication from her majesty? I received a communication, I think it was in the month of July or August, I cannot charge my memory at present which, that her majesty intended to be in England in the month of September.

In consequence of any communication you received, did you make any preparation? In consequence of that communication, I prepared to go and meet her majesty, as she desired, at Dover.

Has the state of your health rendered it impossible for you to attend her majesty from the time you left her at Brunswick till the present time? The state of my health has been such that unfortunately I could not attend her majesty; I have been obliged to go into Devonshire for five years past, where I have been entirely confined all the evenings during the winter months.

Since her majesty's return to this country, have you paid your respects to her? Immediately on her majesty's return to this country I paid my respects to her.

In consequence of the state of your health, did you resign your office? In consequence of the state of my health only; I had the honour of communicating to her majesty that I should be prevented attending her, and I requested her on that ground to receive my resignation.

Mr. Solicitor-general stated that he had no questions to ask this witness.

The witness was directed to withdraw.

THIRD WITNESS.

Then the *Earl of Guilford* was sworn by the Lord Chancellor, at the table, and was examined in his place, and by leave of the house, as also with the permission of the

Earl of Guilford, the questions were put directly to his lordship by the counsel, instead of the Lord-Chancellor in the first instance, and through him to his lordship, as is the usage and practice of the house.

Does your lordship recollect when her present majesty was at Naples? I recollect coming to Naples after her majesty was there. Her majesty was already there when I arrived at Naples.

About what time was it when your lordship arrived there? I think it was in the very beginning of March in the year of our Lord 1815.

Did any one accompany your lordship upon that occasion? My sister, Lady Charlotte Lindsay.

When your lordship arrived at Naples, who formed the suite of her majesty? To the best of my recollection the suite of her majesty were formed by Lady Elizabeth Forbes, the Honourable Keppel Craven, and Sir William Gell, and Doctor Holland was there as her physician at the time.

Does your lordship remember at that time any person of the name of Pergami? Yes, I recollect seeing that person.

In what situation was that person at the time your lordship first saw him? As far as I understood, he was courier.

How long did your lordship remain at Naples? I remained at Naples only three or four days, three days to the best of my recollection.

Was Lady Charlotte Lindsay with your lordship when you went there, or did she arrive afterwards? She arrived together with me, we travelled together from Nice to Naples.

Did Lady Charlotte Lindsay accompany your lordship when you left Naples? No, she did not; I left Naples before her.

Where did your lordship next see the queen? At Rome.

What interval was there between your seeing her at Naples and seeing her again at Rome? A very few days, the exact number of days I cannot remember, but it was but a few days before I saw her majesty at Naples.

How long did her majesty remain at Rome? A very few days, I think not more than two or three days; I know it was a very short time.

During that time did your lordship dine with her Majesty? I do not think I did at Rome.

Has your lordship dined with her before at Naples? Yes, I had dined with her once at Naples.

Does your lordship recollect who dined there upon that occasion? Particularly I do not remember; there was a considerable party, but the particular individuals who dined there I do not call to my recollection; there were a good many English persons.

Were there any of the nobility of the court of Naples? That I cannot positively recollect.

Did Lady Charlotte Lindsay dine there on that day? She did.

Can your lordship recollect whether Mrs. Falconet was one of the party? Whether she dined there on that specific day I do not recollect.

Besides dining with her majesty at Naples, had you other opportunities of seeing her? Only once, the morning of my arrival.

After leaving Rome, where did your lordship next see her majesty? At Civita Vecchia.

Did not her majesty embark at Civita Vecchia to go to Genoa? She did.

How long had she staid there before she embarked? Five or six days; a short time; I think it did not exceed a week.

Did your lordship and Lady Charlotte Lindsay form part of her party whilst she was at Civita Vecchia? We dwelt in the same house with her majesty.

And of course lived at table with her majesty? Every day, always.

During that time were any other persons invited, during the stay at Civita Vecchia? The persons invited were, the master of the house, the Marchese Mansi, one day, and the other persons of the family.

Are those the persons whom your lordship has before enumerated as forming her majesty's suite when at Naples? No, with the exception of Doctor Holland; Doctor Holland was there, the other persons were not there.

Was Mrs. Falconet there? She was there.

Had Mrs. Falconet any daughters? She had two daughters?

Of what age might those daughters be? The eldest was a young lady, I suppose of fifteen or sixteen, and the other was younger.

Does your lordship know who Mrs. Falconet was? I had known Mrs. Falconet before that time in England, she was either an English woman or an American, I believe an American by birth.

In what situation of life was Mrs. Falconet? She was before in a very reputable situation, and was married to Mr. Falconet, a banker at Naples.

Is he a person in a considerable line of business? Very considerable.

Does your lordship know, whether she was a person who associated with the first ranks in that country? As far as persons in her situation associated with the principal people, I believe she did; I had not been then acquainted with her for a great while, but I have every reason to believe she did.

Does your lordship know, whether Mrs. Falconet was received among the first ranks of English in that country? I cannot speak particularly to that, not having seen her for some time before.

Does your lordship know, whether one of the daughters of Mrs. Falconet afterwards married an Italian of considerable station in society? I believe she has two daughters married, as far as I understand; one of them I have seen, who is married to an American gentleman of the name of Middleton, and the other, as I have heard, to Monsieur Pourtalès.

Do you mean Mr. Portallis, a considerable banker and proprietor in Switzerland? That I really do not know, I have heard his name, but never saw him.

Are those two ladies whom you have mentioned the same two daughters you met at Civita Vecchia, or other two? No, other two daughters; I believe both those ladies were married at that time.

Did the two unmarried daughters whom you met there dine at the table with her majesty? They did.

When her majesty embarked, it was on board the Clorinde, was it not? It was.

Did your lordship embark with her? I did.

And Lady Charlotte Lindsay? And Lady Charlotte Lindsay.

Who else embarked in the suite of her majesty? Madame Falconet did, and her two daughters, and Dr. Holland.

Where did your lordship and Lady Charlotte Lindsay disembark? We disembarked at Leghorn.

From that time there was a considerable interval before your lordship met her majesty again? There was a very considerable time that

COUNTESS OF OLDI.

Sketched by A. Wivell, *& Engraved by* T. Wright.

London. Published by Thos. Kelly *17, Paternoster Row, May 9th 1*

summer; I did not see her majesty again till the month of November in the year 1815.

Where was it that your lordship then saw her? At the Villa d'Este, her house on the Lake of Como.

Was your lordship accompanied at that time by Lady Charlotte Lindsay? No, I was not; I saw her first on the Lake of Como, in paying my respects to her at her villa.

Where was Lady Charlotte Lindsay at that time? In England.

Did your lordship dine there upon that occasion? I did.

At that time was Pergami sitting at the table of her majesty? He was.

Had you ever seen him before sitting at her majesty's table? Never.

Did your lordship stay longer upon that occasion than the day on which you dined there? No, I went away that evening.

Where did your lordship go to? I slept at the town of Como that night, and the next day I went to Milan.

Did your lordship afterwards, while you were in that country, pay her majesty a second visit? I did; the Sunday following I dined with her majesty at Milan.

When you were there the first time, had you intended to pay a longer visit to her majesty than the dining with her? I do not recollect that I had. I had no particular intention. I was at the time travelling, and only intended to pay my respects to her majesty. I do not charge my memory that I had any intention of staying longer.

Your lordship is understood to have stated that you dined there the Sunday following? The Sunday following at Milan: when I saw her majesty on the Lake of Como, her majesty invited me to dine with her the following Sunday at Milan.

Was Pergami at the table that second time? He was.

Has your lordship seen her majesty since that time? I have not.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

You have stated that while your lordship was at Naples, Pergami was in the situation of a courier; did it happen when your lordship dined with her majesty either at Naples or at Civita Vecchia, or on board the Clorinde, that he waited at table? At Civita Vecchia he certainly did; I do not remember whether he did at Naples.

Did he so on board the Clorinde? I really do not recollect whether he did on board the Clorinde, I cannot positively charge my memory with that circumstance; I remember it well at Civita Vecchia, and I rather think he did on board the Clorinde.

Did Lady Charlotte Lindsay hold at that time any situation in her majesty's suite? She was lady of the bed-chamber to her majesty, then her royal highness.

When did she quit that situation? She quitted that situation to the best of my recollection, for I was then out of England, in the beginning of the year 1817; about the month of May, I think, in the year 1817.

Although you say she quitted the situation in 1817, she was not actually in her majesty's suite after she left her in Italy? After she left her at Leghorn, to the best of my knowledge, my sister never joined her majesty.

When you visited her majesty at the Villa d'Este, was there any lady in attendance upon her at that time? There was an Italian lady, who I understood was the Countess Oldi.

In the course of dining with her majesty at the Villa d'Este, did you

occasionally converse with that lady? Very little, I had some conversation.

From your conversation with her, did she speak the Patois or the pure Italian? She spoke, to the best of my recollection, a very good intelligible Italian, with rather an accent of the Lombardy, but not very remarkable; we had no very long conversation.

When you visited her majesty at the Villa d'Este, did you see her grounds? I did

Do you remember whether you had a Greek or an Albanian servant with your lordship at that time? I had a Greek servant with me at the time.

Did her majesty accompany you into the grounds? Her majesty first shewed me great part of her gardens, and afterwards lent me her donkey to ride upon to see the rest.

Does your lordship recollect in what part of your tour round the gardens it was that you mounted the donkey? I mounted it I think very near the door, I went afterwards round the olive-yard and other places in the grounds.

In going round the grounds, or at the time of coming out, did your lordship see her royal highness in the grounds? While I walked with her royal highness I saw her, but I do not recollect to have seen her walking about the grounds after that.

Do you recollect seeing your servant walking about the grounds? I do not remember to have seen him, though I might have seen him walking about the grounds.

Does your lordship remember whether you did see him walking about the grounds? No, it is a thing I have not charged my memory with.

Your lordship never stated you saw your servant in those grounds? Not that I saw him in the grounds, I heard that he had walked round them.

Do you recollect having stated that you had seen him in any part of those grounds with her royal highness? Not with her royal highness, certainly; I might have seen him with her royal highness; I did not take notice of his being walking with her royal highness; there were people walking about in the grounds and the gardens.

Will your lordship have the goodness to recollect whether you did not see him walking in the gardens with her royal highness? I do not remember that I did.

Or going any where? Nor going any where; I do not recollect the circumstance.

Does your lordship remember a summer-house or grotto? I remember perfectly her royal highness shewing it me.

Does your lordship recollect seeing her royal highness with your servant near that grotto? No, certainly not.

Has your lordship never stated that you saw her royal highness? I never stated that I had seen him with her royal highness, that I had seen him with her in the grotto, certainly not.

Nor in the grounds? She might have been walking with him, but do not recollect having seen it, or having stated it.

Is your lordship to be understood to state, that you do not now remember whether the circumstance took place or not? Certainly.

That it might have taken place, but you do not recollect it? It might have taken place, but I do not recollect it.

That your lordship might have seen it, but you do not recollect it? They might have been in the garden, but I do not recollect it striking me as any thing remarkable.

Then if it did not strike your lordship as any thing remarkable, it is not likely your lordship should so state that to any one? Certainly

Will your lordship undertake to say you never have stated that? I can undertake to say I never have said I had seen them together in the grotto.

Or on that day? On that day certainly I have no recollection of it; I do not mean to say I did not see them in the garden, but I do not recollect it.

Had your lordship been accustomed to ride at that time? I had not been a great rider, but at that time I only rode upon a donkey.

Who requested your lordship to ride upon the donkey? The princess of Wales.

Did she urge your lordship to ride round the grounds on the donkey? She certainly did.

Where was your lordship's servant at that time? In the house I believe, or in the grounds; he went with me to the house I recollect perfectly, and was there walking about; I do not know whereabout he was in the grounds; I know he was at the place.

How long did that servant remain with your lordship afterwards? He remained till the year 1817; he left me at Venice in the month of May 1817.

Previous to your sister lady Charlotte Lindsay quitting the situation with her royal highness, had your lordship any conversation with her upon that subject? I had correspondence with her.

RE-EXAMINED BY MR. TINDAL.

Can your lordship recollect what the size of this garden was? It was a formal Italian garden, of what size I cannot now precisely recollect.

Your lordship cannot recollect the number of acres within a few? No, I cannot; it was a handsome fair garden.

At the different times, whenever your lordship has seen her royal highness and Pergami together, have you ever observed any impropriety of conduct in her royal highness?

The Attorney-general submitted that this did not arise out of the cross-examination.

The Counsel were informed, that it ought to have been asked on original examination, or that if now asked, it would let in the Attorney-general to put further questions upon it.

EXAMINED BY THE LORDS.

Lord Ross.—When you saw her royal highness on the Lake of Como, was anybody with her? Yes, Pergami.

Was any other person with her in the boat? No.

Earl Grey.—At any time when you have been at her royal highness's, and Pergami was in company, have you ever seen any improper familiarity between them? No, certainly none.

Your lordship has stated that in the Countess Oldi's language there was a slight accent of Lombardy, but nothing very remarkable? Nothing very remarkable; we conversed together, and what she answered was perfectly good Italian, but with an accent.

What observation did your lordship make upon her manners? That her manners were perfectly inoffensive, that there was nothing remarkable about them, very modest, not particularly vulgar

Nothing you would denominate as vulgar? Not as vulgar, certainly not; the exact shade of vulgarity I cannot now charge my memory with; I do not remember having considered her as vulgar in her conversation with me, not the least; I do not remember that the impression upon my mind was that of having conversed with a vulgar woman.

Did you observe any particular difference between the manners of the Countess Oldi and other Italian ladies? I cannot say that I did; she did not strike me as being a woman of remarkably fascinating manners, remarkably refined, but I did not see any great difference between her and other Italian ladies.

Earl of Liverpool.—Were her manners and conversation, the manners and conversation of a person who had been well educated, and who had lived in good society? Upon that subject I really knew her so little, I only conversed with her a very few words during the dinner, and I could not form any opinion of that sort as to the extent of her education; our conversation was extremely short, and there was nothing at all remarkable in the conversation.

How often did you meet Countess Oldi? Only twice; once at the Villa d'Este, and the other time at Milan.

Did you at that time know that she was the sister of Pergami? To my certain knowledge no; I heard she was the sister of Pergami, I heard it I think before I was at Como, but I certainly heard it before I was at Milan.

Lord Erskine.—Did not your lordship state, I observed nothing vulgar in her conversation, not the least? My conversation with her was very short, I was not struck with any thing vulgar.

Earl of Lauderdale.—When your lordship dined with her royal highness at Como, did you sit next her royal highness? I did.

Where did Pergami sit? On the other side of her royal highness.

When your lordship dined at Milan with her royal highness, where did you then sit? I sat by her royal highness's side.

Where did Pergami sit? He sat on the other side.

Did he, during the time of dinner, receive any attentions from her royal highness? No particular attentions, certainly.

Did your lordship? Her royal highness was exceedingly gracious to me, and conversed with me.

Did you observe how she conducted herself in relation to Pergami? I perceived nothing particular in her royal highness's manner to Pergami, at either of those interviews.

Where did Countess Oldi sit? She sat on the other side of me at Como; I believe she did at Milan, but I cannot speak with certainty.

Who was at table besides those you have mentioned? Lieutenant Hownam, William Austin, and an Italian gentleman, as I understood, a medical man, who they said had been at Pavia, that he had been employed there.

Was it the same company at Como and at Milan? It was, to the best of my recollection.

Lord Kenyon.—What was the size of the boat in which the princess and Pergami were on the Lake of Como? A very small one, a small boat.

Did your lordship observe the boat more when you were approaching it? No, when we approached the boat, after her royal highness had spoken to me, Pergami rowed it to the shore.

At what distance was that boat from the shore when you saw it? I cannot tell; not at any great distance; my boat and that of her royal highness came to the shore together. I was in another boat on the lake.

When your lordship saw the boat move, was it in consequence of Pergami rowing the boat? Certainly.

Did her royal highness introduce you to Pergami? She said, pointing to him, "Voici Monsieur Pergami."

Did she, either at Como or at Milan, give you any reason for having advanced him to the situation he then held? No, she did not.

Did she introduce the Countess of Oldi to you? She did.

Earl Bathurst.—Did she introduce Countess Oldi to your lordship as the sister of Pergami? No, I am pretty sure she did not; I should have remarked it if she had.

Earl of Darlington.—What was the deportment of Pergami towards her royal highness? Nothing particular; very respectful.

Was the ground or garden your lordship alludes to, that immediately adjoining the Villa d'Este? The garden in which her royal highness walked with me, was directly behind the house; the vineyards through which I rode were immediately adjoining to that garden.

Your lordship observed, you did not recollect the exact size of that garden? I do not.

Was it more than one acre of ground? I really cannot give any opinion upon its size, I should think it was more; there was a large Italian regular garden.

Lord Belmore.—Did your sister, Lady Charlotte Lindsay, leave the Princess of Wales's service of her own accord, or was she dismissed? She left it of her own accord.

Lord Ellenborough.—Did your lordship make any particular observation on the manners of Pergami? The observations I made on the manners of Pergami were, that they were perfectly unobtrusive, that he was not forward; that was the only observation I made. I have been asked whether I had a Greek servant in the garden behind the house; to the best of my recollection I had; and that I mentioned the having a Greek servant to her royal highness; but more than that I do not recollect. She observed his dress, but as to having seen them walking together, I have no remembrance of the circumstance. I have, upon this subject, but a very imperfect recollection, but I think I did mention him, in walking in the garden, as a Greek servant, observing that I had him from Athens; he was in the dress of the country.

Had your lordship any conversation with Pergami? No particular conversation: Pergami spoke but little while I was there; and I think the only time when I was ever in a room alone with Pergami was in the gallery of the house at Milan, when he shewed me some pictures; but I do not remember any particular conversation.

From the opportunities your lordship had of observing the behaviour of Pergami, could you form any opinion of his being superior to the situation in which he had formerly lived? No, it did not strike me that he was.

This question and the answer were read at the request of the Solicitor-general of the queen to his lordship, and he stated that the answer was correct.

FOURTH WITNESS.

Then the Right Honourable *Lord Glenbervie* was called, and sworn by the Lord Chancellor at the table, and examined by Mr. Wilde as follows:—

Did your lordship see her present majesty at the time she was Princess of Wales at any time at Genoa? I did.

Were you at that time accompanied by Lady Glenbervie? I was.

Did her ladyship for any period form any part of the suite of her royal highness? No, not at that time.

Did her ladyship, at any time during the period your lordship was at Genoa, attend in the suite of her royal highness? She did.

In what way? When her royal highness arrived at Genoa, Lady Glenbervie and I were there; Lady Glenbervie was not in her service at that time, but Lady Charlotte Campbell was expected from Nice; the frigate that brought the princess was sent on immediately to Nice, to fetch Lady Charlotte Campbell; Lady Glenbervie having been formerly one of the ladies of the bed-chamber to the princess, finding herself at Genoa, proposed to the princess, who had none of her ladies with her then, to attend her till the arrival of Lady Charlotte Campbell.

Did your lordship, during the time that Lady Glenbervie was in attendance upon the Princess of Wales, dine at the table of her royal highness? Frequently.

For what period? Her royal highness arrived, I think, on the 26th of March; Lady Glenbervie and I continued there till the 17th of May: the princess did not leave Genoa, I think, till the day after we did, which would be the 18th; during that period I very frequently dined with the princess, but not every day.

Did your lordship during that time see a person of the name of Pergami? I saw him every day that I dined there.

What was the conduct which your lordship observed in her royal highness during that period towards Pergami? Pergami waited behind her royal highness's back, in the habit of a courier; it happened to me often to have the honour of sitting next her, and all that I saw was the behaviour of any mistress of her rank to her servant waiting behind her; he often helped her and me to wine and to other things.

What was the conduct observed by Pergami towards her royal highness? That of a servant.

Was it respectful, becoming his then situation, or otherwise? I did not pay any particular attention, but if there had been any thing like disrespect I must have observed it.

Has your lordship mentioned the year? This was in the year 1815.

What company did your lordship meet at her royal highness's table during that period? Mrs. Falconet and her two daughters, and Mr. Hownam a lieutenant in the navy; Lady Charlotte Campbell after she arrived, which was some days, about a week perhaps after the princess arrived; Dr. Holland also most days, I am not sure he did not all; and also some Genoese noblemen, one I particularly recollect, the marchese John Carlo Negri, and some English gentlemen, I think some officers of the navy, indeed I am sure the captain of the frigate that brought the princess.

Did your lordship see Lady William Bentinck there? I saw her at Genoa.

At her royal highness's? Yes, I think I did, at a ball, and I believe at a party; whether she dined there or not I cannot state.

Can your lordship recollect attending any of the balls given by her royal highness? The only ball I recollect, I was at.

Did your lordship meet there the persons of rank of the place? All the society I was in the habit of meeting, the principal ladies and gentlemen of the place.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

Your lordship did not live in the house? I did not live in the house, nor Lady Glenbervie.

When Lady Charlotte Campbell arrived, which was after the interval of a week, Lady Glenbervie ceased to act in the situation she had before occupied? Yes, she did; but she was often there at dinner.

How many times; on an average, might your lordship have dined there; two or three times in a week, or how often? Yes, two or three times, or more.

Is your lordship to be understood to state that Pergami at that time appeared in the dress of a servant? A fancy dress, the dress of a courier according to my recollection.

EXAMINED BY THE LORDS.

Earl of Lauderdale.—Did your lordship meet Captain Pechell of the Clorinde at dinner at the princess's? I think I did.

Then his lordship withdrew.

FIFTH WITNESS.

Then *Lady Charlotte Lindsay* was called in, and having been sworn, was examined by Dr. Lushington as follows:

Did you ever form a part of the suite of her royal highness the Princess of Wales? Yes, I did.

When did you first enter her royal highness's service? I first entered her royal highness's service, I think, but I cannot be entirely certain, in the year 1808.

Did your ladyship attend her royal highness when she went abroad in 1814? I did.

Was not your ladyship one of the ladies of the bed-chamber? I was.

How far did you go with the Princess of Wales upon that journey? I accompanied her royal highness as far as Brunswick.

Why did your ladyship not go further? It never was understood by her royal highness nor by me that I was to go further than merely to accompany her to Brunswick.

When did your ladyship again see her royal highness? I saw her royal highness at Naples in the beginning of March 1815.

Did you then act as lady of the bed-chamber to her royal highness? I did.

How long then did you continue with her royal highness? I joined her royal highness the beginning of March, remained with her royal highness as long as she staid at Naples, left Naples with her royal highness, accompanied her to Rome, from thence to Civita Vecchia, then embarked with her on board the Clorinde, and quitted her at Leghorn, which was an arrangement that had been settled before we had met.

By whom was her royal highness visited while she was at Naples? She was visited by all the English of distinction there, and by the Neapolitans of distinction, and other foreigners.

Would your ladyship be pleased to state the names of some of those? Lord and Lady Llandaff, Lord and Lady Gage, Lord and Lady Conyngham, Lord and Lady Holland, and, I believe, various others; Lord Clare, Lord Granville Somerset, Lord Frederic Montague, Lord and Lady Oxford, and many young Englishmen; Mr. Fazakerly, Mr. Davenport, Mr. William Bankes, Sir Humphrey and Lady Davy; there may be many others that I have forgotten.

Was her royal highness visited by Mrs. Falconet? She was.

And her daughter? And her daughter.

Was your ladyship on board the Clorinde with her royal highness? I was.

Does your ladyship remember where her royal highness slept? On board the Clorinde her royal highness slept in a part of the captain's cabin; it was divided into two, her royal highness slept in one half, and the captain and his brother in the other half, with a partition between.

Did any one sleep in that division of the cabin in which her royal highness slept? Yes, her maid.

Does your ladyship recollect any thing arising in consequence of the cabin being divided into two parts? I recollect no particular, except that her royal highness rather expressed her surprise, that the other half of the cabin had not been appropriated to my use, instead of the captain and his brother continuing to occupy it.

Did that occasion any difference between her royal highness and the captain? No, I did not observe any difference upon the subject of it; it was merely a remark she made to me.

Does your ladyship remember a person by the name of Pergami being in the service of her royal highness? I do.

In what capacity? As courier.

Had your ladyship opportunities of seeing what passed between her royal highness and Pergami? I was often in company with her royal highness when Pergami was attending.

How did he conduct himself? Just in the common way that a person in his situation would naturally conduct himself.

How did her royal highness conduct herself towards him? In the same manner that a mistress would conduct herself towards a servant.

Did your ladyship ever observe any impropriety of conduct between the princess of Wales and Pergami? Never.

When did your ladyship quit her royal highness's service? I sent in my resignation in the year 1817.

What was your ladyship's reason for resigning? My brother wrote to me, requesting me to resign, and I complied with his request.

Has your ladyship seen her royal highness since she has returned to this country? I have.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

How long was it before her royal highness quitted Naples that you joined her? I should think about twelve days, ten or twelve days.

How much time was so occupied in proceeding from Naples to Leghorn? We slept one night in going to Rome, staid two nights at Rome, I think we were six nights at Civita Vecchia, waiting for the frigate, and three nights on board the frigate.

Your ladyship is understood to have then left Leghorn, and not to have returned again into the service of her royal highness? I did not resign at that time.

You did not enter after that into the actual service of her royal highness? I left Leghorn for the purpose of having my brother to escort me home to England.

During the time you were at Civita Vecchia did you see Pergami? I did every day.

Try and recollect with accuracy, whether you did not see him at Civita Vecchia, walking with her royal highness? Her royal highness and I frequently walked out together, and Pergami attended; he did not walk with us, but he walked a little way behind, a short distance behind.

Did that happen every time you walked out? Every time as far as I can recollect.

Was there any other courier in the service of her royal highness at that time? I believe Hieronimus was also a courier, but I cannot be entirely certain; he was with us.

Does your ladyship mean to say, by saying that Hieronimus was with you, that he walked out with you? No, I do not recollect that he walked out.

Have you the least doubt that he did not walk out with you? I do not think that I had the honour of walking out above twice with her royal highness; I walked out with her every time she walked.

Your ladyship was understood before to say, that you walked out several times with her royal highness? I might have walked out with her three times perhaps, but I do not at this moment call to mind above twice that we walked; but I cannot positively swear that we might not have walked out three or four times.

Perhaps your ladyship will swear that you did not walk five or six times. Yes, I can swear that.

You will not undertake to say that you did not walk out four? No, but I think not.

But every time you did walk out, the courier who accompanied you then was Pergami? Yes.

Will your ladyship take upon yourself to swear, that upon no one of those occasions her royal highness walked arm-in-arm with Pergami? I have not any recollection of her walking arm-in-arm with Pergami.

Will your ladyship take upon yourself to swear she did not? I have no recollection of it; as far as I can recollect, Pergami attended us at a little distance, unless he was called to be asked a question.

Your ladyship is to be understood, that you will not swear that her royal highness did not walk, upon that occasion, arm-in-arm with Pergami? I certainly do not recollect that she ever did walk arm-in-arm with Pergami.

But you will not swear that she did not? I cannot positively swear, but I never was struck with it.

If such a thing had happened, must it not have struck your ladyship? I suppose it would have struck me; and therefore I imagine it did not happen.

But you will not swear it did not happen? I will not swear, because she might have taken his arm upon some particular occasion; not that I recollect that she did, but it might have happened without my being struck with any thing extraordinary.

Your ladyship was understood to state, that if she had taken his arm it would have struck you as something extraordinary? If they had walked arm-in-arm, but she might have taken his arm.

But you think she might have taken his arm, though they did not walk arm-in-arm? She might have taken his arm, but I have no recollection of the circumstance.

Your ladyship filled the office of lady of the bed-chamber? I did.

That office did not necessarily lead you into her royal highness's bed-room? Very frequently it did; her royal highness sent for me very frequently.

At Naples? At Naples.

Was her royal highness always alone upon those occasions? Not always alone, certainly; sometimes there were persons with her.

Do you recollect ever upon any of those occasions seeing Pergami in the bed-room? I saw him myself in the bed-room, for we used to

dine in the bed-room. I dined in the bed-room with the princess and William Austin, and Pergami used to wait upon us as a servant.

Was that during the time you were at Naples? During the time I was at Naples.

Did any other person, except William Austin and yourself and her royal highness, dine upon those occasions in the bed-room? No, I think nobody but we three dined; but other servants used to bring in dishes.

Did that happen frequently while her royal highness was at Naples, during the time you were with her? Yes, that happened whenever her royal highness had not company to dinner, and excepting one day when I went to Pompeii, and her royal highness gave me leave of absence the whole day.

Upon those occasions did Pergami always wait? I think he did, ut I cannot positively swear.

When was it that your ladyship quitted the service of her royal highness? In the year 1817.

Had any application been made to your ladyship to join her royal highness in Germany, before you took the resolution of quitting? Yes, there had.

How long before? I cannot accurately remember how long before.

Was any proposition made about appointing Colonel Lindsay to the situation of chamberlain to her royal highness?

The Attorney-general of the queen objected to the question.

The counsel were directed to withdraw. Adjourned.

TWENTY-FIFTH DAY, FRIDAY, OCT. 6.

The Right Hon. Lady *Charlotte Lindsay* was again called in; and further cross-examined by Mr. Solicitor-General.

Is there a garden in the neighbourhood of Naples called La Favorita? Yes there is.

Did your ladyship ever walk in that garden with her royal highness? Yes, I did one day.

Was Pergami also present at that time? He was.

Did your ladyship, in going from Naples to Rome, travel in the same carriage with her royal highness? I did.

Did Pergami ride as courier during that journey? He did.

Did your ladyship also go in the same carriage in the journey from Rome, after your ladyship left Rome? From Rome to Civita Vecchia. Yes I did.

Did Pergami also ride as courier during that part of the journey? I believe he did, but I have not so accurate a recollection of it as of the former part.

Does your ladyship recollect, upon the former part of the journey, Pergami coming up to the window of the carriage, and addressing her royal highness, saying 'à boire Madame'? I perfectly recollect his coming up to the carriage, but it was after he was called; we had provisions in the carriage, and her royal highness gave him some of the provisions out of the carriage, and something to drink.

Has your ladyship a distinct recollection that it was after he was called? I think it certainly was after he was called.

Is there any circumstance that enables your ladyship to pronounce

with certainty as to that? No, but merely because it was more natural that he should not come till he was called to have some provisions given to him.

Then your ladyship has no recollection either the one way or the other, as to that circumstance, but it is a mere inference from reasoning in your own mind? It is; there was nothing struck me as particular in the circumstance.

Was there any bottle in the carriage, which her royal highness handed to him? There was a bottle of wine.

Did he drink from that bottle? I think he did.

From the bottle itself without any glass? Yes, I think so.

Did he afterwards return that bottle to her royal highness? I cannot be quite positive, but I fancy he returned the bottle, but I cannot be by any means positive as to that; her royal highness and I had taken our refreshment before he was helped, and whether he returned the bottle to the carriage or not, or whether he threw the bottle away, I cannot be certain.

Although your ladyship is not certain, to the best of your recollection which way was it, did he return the bottle or throw it away? I rather think that he returned the bottle to the carriage.

Did not your ladyship, after you had come to the determination of quitting her royal highness's service, say that it was a vast relief to your mind, having come to the resolution of quitting the service of her royal highness, and you then considered that no woman with any regard to her character could remain in the service of her royal highness? I certainly do not recollect ever having stated any such thing in such words.

Does your ladyship recollect having stated any thing to that effect? No.

Will your ladyship undertake to say, that you did not state the very words now made use of? I have no recollection of having stated any such words.

Your ladyship will not undertake to say you did not make use of those very words? I can say that I did not make use of those very words; I have no recollection of having made use of any such words.

Your ladyship had before said you had no recollection of having made use of such words, and the question then proposed was, whether you would undertake to say that you had not made use of such words? I can only say I think it extremely improbable that I should have made use of such words; and I do not recollect that I did.

Will your ladyship undertake to say that you did not make use of words to that effect more than once? I have no recollection of having made use of words to that effect.

Did not your ladyship say, upon quitting the service of her royal highness, that if it had not been for an anxious desire to assist a particular individual out of the savings in that service, you would have quitted the service long before? I think it is very possible I might have made use of those words; I do not distinctly recollect that I did, but I think it is possible.

Having recalled this little circumstance to the recollection of your ladyship, did not the former conversation, to which allusion has been made, pass at the same time? I have no distinct recollection at what time I might have said I was induced to remain, from the wish of assisting that individual from my salary; I have no distinct recollection when I said that, and I certainly do not think it was coupled with any words expressive of an ill opinion of the princess.

Is your ladyship to be understood that it was not so, or that you merely think it was not so, coupled with such terms? As far as I can recollect, it was not so.

But your ladyship will not be positive? I can only say that I have no kind of recollection of it, and that I do not think it at all probable.

Still your ladyship is understood that you will not say positively that it was not so? I have no kind of recollection of ever having stated that my resignation was on account of what you mention, that no woman of character could remain.

Your ladyship, in answer to a question put on the examination in chief, stated, that some communication had been made by Lord Guilford; was the conversation to which your ladyship has spoken, and which your ladyship recollects, after that communication from Lord Guilford? I have not the least recollection whether it was before or after.

Does your ladyship recollect, whether or not it was about the same time? No, I do not recollect any thing about the period at which the conversation you allude to might have taken place.

Was it after your ladyship had actually resigned? I do not know.

Are there no circumstances to bring that fact to your recollection? Yes, I think that what I said about having continued in the service, in order that my salary might help a certain individual, must have taken place after the communication made me by my brother.

RE-EXAMINED BY DR. LUSHINGTON.

You have been asked as to communications which took place verbally, upon the subject of your ladyship's resignation; to whom was that communication made? To my husband.

To any one else? To no one else.

Is Mr. Lindsay a person in distressed circumstances? He is.

Has he been so for a considerable period of time? For some years.

Had your ladyship ever any difficulty, whilst in the princess's service, with respect to the payment of your salary? Yes, at one time there was a good deal of arrear due.

Did any other circumstances occur in the year 1817 to render your ladyship's continuing in that situation disagreeable to you? Yes, it would have been particularly disagreeable if my attendance had been required at that time, because I was under considerable depression of spirits.

Had your ladyship at that time lost a near relation? I had lost two, —the late Lord Guilford, and the late lady Glenbervie.

Did you yourself observe any thing in the conduct of her royal highness, any impropriety, to induce you to quit her service? I myself never observed any improprieties in the conduct of her royal highness to induce me to quit her service.

EXAMINED BY THE LORDS.

You have mentioned that you joined the princess of Wales ten or twelve days previous to her leaving Naples? I did say so.

Your ladyship also said you were one night on your journey to Rome? Yes, that is quite correct.

That you remained at Rome two days? Two nights and one whole day.

At Civita Vecchia six days? To the best of my recollection six days.

And on board the Clorinde three? I think three nights.

Making altogether twenty-four days? Yes.

After your ladyship had quitted the frigate, you went one way and the princess went another? Yes, I went with my brother.

Therefore the experience your ladyship has had of the conduct and deportment of the queen as princess of Wales extended over a period of twenty-four days only; that being the number of days mentioned in those enumerated by your ladyship? Certainly, at that period.

Therefore the opinion your ladyship is enabled to give of the conduct of her majesty as princess of Wales, extends over a period of twenty-four days only? In Italy.

During that time you have said that you observed no impropriety on the part of her royal highness in her intercourse with Pergami? During that time I observed no impropriety on the part of the princess of Wales in her intercourse with Pergami.

What part of the English suite of the princess of Wales was in her royal highness's service at the time of your ladyship joining her at Naples; was Sir William Gell? Yes, Sir William Gell.

Did Sir William Gell remain in her royal highness's service when she quitted Naples, or had he left it? Sir William Gell resigned before we left Naples, on account of his health not permitting him to travel to the north.

Was the Hon. Keppel Craven in her royal highness's service at the time of your joining her at Naples? Yes, he was.

Did he remain in her service when she sailed from Naples? No, he also resigned.

Was Captain Hesse in her royal highness's service at the time of your ladyship's joining her royal highness? Captain Hesse was at Naples with her royal highness, but I am not certain whether he was in her service or not.

Did Captain Hesse embark with your ladyship and her royal highness on board the Clorinde? No, he did not.

Then he had quitted the service, as well as the other persons who have been mentioned. Yes, he certainly did not accompany us when we left Naples.

At the time that all those persons had quitted the service of her royal highness, were you aware of any other persons having joined that service; was Pergami himself in the service? I found him in her royal highness's service.

Did a sister of his, of the name of Faustina, join the service of her royal highness at that time at Naples? Not that I am aware of.

Did you know that such a person was ever in the service? I never heard till lately of such a person.

Louis Pergami, his brother, did your ladyship know any thing of his having joined her royal highness at Naples? I am not quite certain, but I think I recollect a person of the name of Louis Pergami at Naples.

You do not know of his having been taken into her royal highness's service at Naples? No, I cannot speak with certainty to it.

Did you know any thing of the mother of Pergami having entered into her royal highness's service at Naples? No, I never heard of her till lately.

Did you know any thing of a child, of the name of Victorine, having been admitted under her royal highness's protection at Naples? No, there certainly was no such child at the house at Naples when I was there.

In answer to a question just now asked, as to the reason you had for quitting her royal highness's service, you have said, that you had seen nothing improper in her conduct? No, I had seen nothing improper in her royal highness's conduct.

Had your ladyship any other reason for quitting her royal highness's service, of any sort or kind, which operated upon your ladyship's mind, excepting those which your ladyship has already mentioned? I certainly had not seen any thing improper in her royal highness's conduct while I was in her service; but the reports were of so unpleasant and degrading a nature, that they did operate upon my mind in making me not wish to continue in her service.

During your acquaintance with her royal highness, had your ladyship observed in her a degree of familiarity towards her menial servants, both male and female, that is unusual in persons of such high distinction? I certainly think that her royal highness was peculiarly affable and familiar in her manner to all her servants.

Does your ladyship think that that condescension greatly exceeded that which is usually shewn among the higher classes in this country towards their inferiors? I think the higher classes in this country are much more apt to be exceedingly kind and condescending to their servants than those perhaps of a rank beneath them, and I think that her royal highness's manners were very peculiarly so.

Does your ladyship think that those manners were peculiar even in a foreigner? I am perhaps no very good judge in that case, but foreigners are, I think, more apt to converse with their servants than English people, they have less reserve; and I think that her royal highness had certainly that sort of familiarity that I have observed in foreigners, in conversing with their servants.

Does your ladyship think that that familiarity greatly exceeded what you have generally seen shewn by foreigners, from the opportunities that you have had of seeing foreign society? No, not greatly.

Is your ladyship to be understood to say, that from the habit you were in of seeing this unusual degree of familiarity and freedom in her royal highness's manners, circumstances might have passed unnoticed by you, which in a person of more habitual reserve than her royal highness, would have appeared to you extraordinary, and perhaps unbecoming? I do not know that they would have appeared to me extraordinary and unbecoming, her royal highness appeared to me to talk to Pergami, as she used to do to Sicard; and various other persons in her family.

Your ladyship has said that you quitted her royal highness's service, in consequence of a request from the Earl of Guilford your brother; was that request communicated in writing? It was.

Has your ladyship the letter in your possession, communicating that request? No, I have not.

Can your ladyship say whether the difficulty of receiving your salary, was the ground upon which that request was made? No, I do not think that that was the ground on which the request was made.

Do you know whether that letter is now in existence? I believe not, I did not keep it.

Have you made any search for it? No, I have not

It being suggested that her ladyship might be requested to search for the letter, and to produce it if still in existence, the

Attorney-General of the queen objected to the production of the letter if in existence; at all events the letter could not affect this case, because written by a third party.

After a short discussion, in which Lord Erskine, Lord Eldon, Lord Grey, and Lord Liverpool took part, it seemed to be considered as a preliminary point to be established, that the letter was not in existence before its contents could be examined into.

Her ladyship was directed to make a search for the letter, and to produce it if in existence.

Your ladyship has said that when at Naples you have been in her royal highness's bed-chamber; did you go into her royal highness's bed-chamber when you were not sent for, or without knocking at the door? I do not suppose that I went without being sent for; but I am certain I did not knock at the door when I went.

Do you recollect ever having gone there without being sent for? I do not recollect at Naples whether I did or not; I should not have gone unless I had had something particular to communicate of course to the princess, without being sent for, and I do not recollect that that occurred whilst I was there.

Your ladyship has said, that before you went to Naples there was an arrangement about your quitting the service of her royal highness at a particular time; was that an arrangement of your proposal, or proposed to you by the Princess of Wales? It was my proposal when I was at Nice. Her royal highness wrote to me, saying, that as I was still upon the continent, she wished I would come and join her at Naples: in answer to that I said, I would obey her royal highness's commands, but I hoped she would not object to my availing myself of the request of my brother to return to England, as I wished to be in England by the beginning of the summer, and could not very well travel by myself.

The following question was put at the request of the Solicitor-General:—

At what month in the year 1817 was it you resigned your situation under her royal highness? Upon my word I cannot be entirely accurate as to that, but I should think it was either the month of June or July; about that time of the year.

The witness was directed to withdraw.

The Right Hon. the Earl of *Llandaff* was sworn by the Lord Chancellor, at the table, and examined by the Attorney-General of the Queen.

Was your lordship in Italy in the year 1815? I was.

Was your lordship accompanied by the countess? I was.

Were you together at Naples during that year? We were

How long a period of the year were you at Naples together? I went there the latter end of 1814, and I remained there till April, 1815.

Did you go there in November, 1814? In November or December, I do not exactly recollect which.

But before the end of 1814? Yes.

During that time did your lordship frequent the society of the Princess of Wales? I did.

Did your lordship frequently visit at her royal highness's house? Very frequently.

Was your lordship at her royal highness's frequently in the course of a week? Yes I was, once or twice a week.

Did your lordship dine there? I did, frequently.

Did your lordship frequent evening parties there also, at times when you had not dined there? I did.

Did the Countess of Llandaff accompany your lordship to her royal highness's house upon those occasions? Most generally.

What society visited her royal highness in Naples at the same period with your lordship and the countess? I think the generality of the English, all the Neapolitan noblesse of course.

During the time that you had that intercourse with her royal highness, did you ever observe any impropriety in her conduct? No.

Did your lordship observe any thing in the demeanor or habits of her royal highness which made it at all unpleasant for you to permit the countess to associate with her? Not the least.

Was Pergami at that time in her royal highness's service? He was.

Did your lordship see him so? I saw him constantly.

Did your lordship see any thing in the manner of her royal highness towards him, or in his manner towards her royal highness, that was at all improper? Never.

Did your lordship ever after leaving Naples, again meet her royal highness in society in Italy? I met her royal highness after that at Venice.

About what time of the year was that? I think it was about June or July, 1815.

Where did your lordship lodge at Venice? I lodged at the hotel Gran Brettagna.

Was the countess with your lordship there also? She was.

Where did her royal highness then live? Her royal highness was then in the same hotel; she had one side of the hotel, I had the other.

Did your lordship renew your intercourse in society at the hotel with her royal highness? I did.

Did the countess also? She did.

Did your lordship observe any thing there of an improper description in her conduct or demeanor? Not the least.

Did your lordship ever happen to go into her royal highness's chamber while living in the same hotel? I have occasionally gone in there in the morning, her sitting-room being immediately opposite my sitting-room.

Did your lordship on these occasions knock at the door before going into the room? I cannot take upon myself to say whether I did or did not.

Does your lordship recollect ever having gone in without that ceremony? I cannot take upon me to say; I rather think I have, for this reason, I had a child that her royal highness took a fancy to, and I used to walk in with the child into her royal highness's room.

Did your lordship say you ever recollect having knocked before you went in? No, I do not.

Your lordship does not recollect having knocked any more than not having knocked? No.

Has your lordship lived for any considerable time in Italy, besides those different months you have mentioned? Yes, I have.

A good deal? Two years.

Does your lordship know whether it is the practice in Italy for men as well as women to be in ladies' bed-chambers in the course of the morning? I think it is a very common practice in Italy for men to attend ladies' rooms as much as women.

Your lordship is requested to speak from your own knowledge, and your own practice and experience? I have seen many ladies in bed in a morning.

Was that in the ordinary intercourse of society? It was.

Were those ladies of unimpeachable conduct and character? They were, as far as I know.

Did your lordship at the same time see other gentlemen enjoy their society in the same manner? I have.

And at the same time with your lordship? At the same time my brother and I were together; and we have frequently gone together into rooms where ladies were in bed.

To make a morning visit? To make a morning visit.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

When was it that your lordship was at Venice when her royal highness was there? It was either June or July, in the year 1815.

Was Pergami with her royal highness at Venice? He was.

In what situation was he then? As courier.

At any other place than at Naples did your lordship dine with her royal highness? I did not; I never met her at any other place than Naples and Venice.

How long was your lordship at Venice whilst her royal highness was there? I remained at Venice, I think, about two months.

How long was her royal highness there at that time? I do not recollect; she left the hotel, and I cannot state how long she remained there.

You have been asked whether you were in the habit of visiting her royal highness, and going into her chamber without notice; did your lordship mean her bed-chamber? No, certainly not; her sitting-room

EXAMINED BY THE LORDS.

Does your lordship recollect the names of the other attendants at Naples when your dined with her majesty? The servants; no, I do not.

Can your lordship state any circumstance which has impressed the name of Pergami upon your mind, without knowing the name of any other attendant at table? Pergami was a very singular figure, and I knew him by that; I recollect him by his figure; he was a strong-looking man.

Is your lordship to be understood that you became acquainted with his name by remarking his figure, and from that circumstance asking what his name was? I never asked what his name was; but he being pointed out to me as Pergami, and from his figure I did not forget him; I recollected him afterwards from that circumstance.

Does your lordship recollect who pointed him out as Pergami? I do not.

Whilst your lordship was abroad, did you observe any thing in the conduct of her royal highness, calculated or likely to reflect disgrace upon our own country? I did not.

Does your lordship recollect a ball given by her royal highness to King Murat at Naples? I do.

Was your lordship present at that ball? I was.

Does your lordship recollect the dress of her royal highness upon that occasion? I do not.

His lordship withdrew.

The Hon. *Keppel Craven* was examined by the Solicitor-General of the Queen.

In the year 1814 you were in the service of her royal highness the Princess of Wales, as one of her chamberlains? I was.

Did you leave this country with her, and go to the continent in that character, in the course of that year? I did not leave this country with her; I joined her royal highness at Brunswick.

Did you accompany her royal highness from Brunswick to Milan, and from thence to Naples? I did.

When you joined her royal highness at Brunswick, was it settled between her royal highness and you, how long you should remain in attendance upon her? Not exactly the time, but as much space of time as my affairs would allow me to give up to her royal highness.

How long, in point of fact, did you remain in attendance upon her royal highness's person? I remained rather more than six months.

Where did you leave her? At Naples.

And why did you leave her? It was always understood, when I entered her royal highness's service, that I could not stay with her more than two or three months; when I arrived at Naples, I found that I could remain with her as late as the month of March, and I therefore informed her royal highness of this, and she was pleased to continue my services with her.

Did you, in fact, stay three months longer than you originally intended to stay? I staid about four months longer than I had intended to do; for when I first set out, I did not expect to stay above two months with her.

Do you remember, when you were at Milan with her royal highness, that any courier was discharged for misconduct, or any other cause? There was no courier discharged at Milan, but he was to be discharged afterwards, and another was to be found at Milan to supply his place.

In consequence of that, did you apply to the grand chamberlain of the Emperor of Austria, to find a person of that description? I applied to the Marquis Ghisiliari, who had been appointed by General Bellegarde to attend upon her royal highness whilst she was at Milan, in capacity of chamberlain.

Did he mention any person to you, to supply the place of that discharged courier? Yes, he did.

Who was that? A person whom I found afterwards to be called Pergami.

Will you be so good as to state, whether he recommended Pergami as a person fit to be received and trusted in the service of her royal highness?

Mr. Solicitor-General objected to the question, and contended that Pergami's family, origin, and connexions, had nothing to do with this inquiry.

Mr. Denman insisted, that all that passed on this occasion was of the last importance, inasmuch as the foremost allegation of the bill was, 'that the queen had associated herself

with a person of low condition, hired in a menial capacity, and had suddenly raised him beyond his merits, to a situation of confidence about her person.' If it could be shewn—as would be shewn—that this person was a man of family, of the highest connexions in point of respectability, though reduced in circumstances, he apprehended that the course of evidence he was now pursuing, was most essential to negative that part of the case.

The question, being considered to be part of the transaction, was then put, and the witness said,

He did, he recommended him very strongly.

Did he state whether he had any knowledge of the family of Pergami? He said he had known his family a great while, and that he was interested about them.

Did you know any thing of Pergami before the Marquis Ghisiliari recommended him to you? Not at all.

Were you desired by the Princess of Wales to make inquiry for such a person? I was.

Did you communicate to her royal highness the result of the inquiry you had made of the marquis? I did so.

Have the goodness to describe what it was that you communicated from the marquis as to the character of the individual engaged? I told her royal highness that the Marquis Ghisiliari had a person that he wished to recommend to the situation of courier, and that he could recommend this person very strongly, having known his family some time, and wishing to obtain a good situation for him; that was, as far as I recollect, what I said to her royal highness upon the subject.

Did you state any thing to her as to the situation in which he was hired, in which he was engaged? I think Marquis Ghisiliari told me that he hoped the man might remain in the situation.

Did you communicate, to the best of your recollection, what you are now stating, to her royal highness? Yes, I communicated all that the marquis said to me to her royal highness.

Have the goodness to state what the marquis said as to the probability of promotion? He said, that he hoped, if he behaved well, he would be continued in the family.

Was any thing said about advancement or promotion? Yes; Marquis Ghisiliari said, that he hoped he might remain as a servant out of livery in the house when her royal highness stopped any where.

Did he state any thing as to what he knew of his family, any thing more particular than what you have mentioned? I do not recollect that he said any thing particular, except that he had known him a great while, and that he wished to be of use to all of them.

Did it ever happen to you to see the marquis and Pergami together? Yes, at Milan and at Piacenza.

What recommendations did you mention as reasons for her royal highness receiving this person into her service? Marquis Ghisiliari told me he had known him, and his family, a long while, that he wished to be of use to them, and that he was particularly interested about him also, as he had served some friends of his, as I understood.

You went to Naples with her royal highness? I did.

On your approach to Naples, were you met by any persons at some distance from that city? We were met by the then King of Naples, but first of all by some of his officers.

Do you recollect whether you took refreshment any where on the way? We slept three nights on the road.

At what time, in point of fact, did you enter Naples? Naples itself we entered on the 8th of November, about half an hour before dark.

What time by the clock would that be? Half past six, I should think.

Did you go that night to any house that had been taken for her royal highness? Immediately on our entering Naples, we drove to the house that had been taken for her.

Did her royal highness then take possession of it? She did take possession of it.

Do you recollect whether there was any thing particular about the arrangment of that house, in respect of its convenience for the party that night? It was very inconvenient, for Sir W. Gell and myself had two very bad rooms.

Was there any thing generally observed about the want of accommodation for the suite? There was not room enough for the whole suite by any means.

Were you and Sir W. Gell able to continue in the same house, or did you take lodgings elsewhere the following day? It was agreed we should take lodgings as soon as ever we could find them, and we looked for them in the course of the next day.

Do you recollect any particular persons calling on her royal highness on the following day? The King and Queen of Naples called upon her.

Do you know where she dined on the first day after her arrival? She dined at court.

Was there any entertainment given at court after dinner? There was a concert.

Do you know how late her royal highness remained at that concert? About half past eleven, I should think.

Did you leave the concert with her royal highness? Yes, for I was in waiting.

On the evening next following that, that was the second entire day of her royal highness being at Naples, do you remember where she passed her evening? She went to the opera.

Did you go with her royal highness to the opera? All her suite went with her.

Did any other persons go with her to the opera? She went from her own house to the palace, and from the palace, with all the court and their retinue, to the opera.

Do you remember the box which was provided for her at the opera? She sat in the state-box with the king and queen.

Was there any illumination in the house that night? The theatre was entirely illuminated.

Did you return particularly early from the opera that night, or how? The opera at Naples always ends very late, and we staid till the end of it.

Can you state whether it ended earlier or later than usual on that evening? I should think it ended rather later, for it began later.

What is the usual hour at which the opera may be said to end at Naples? It varies, because it begins later in the summer than in the winter.

In November? It depends upon the length of the dance also.

Have you any recollection of the length of the dance on that evening? Yes, it was very long and very tiresome.

WILLIAM AUSTIN,

Her Majesty's Prodigy.

London: Published by Thomas Kelly, *17, Paternoster Row, Septr 22. 1820.*

Did her royal highness and her suite remain till the whole was entirely concluded? Till the curtain dropped.

Do you remember a masked ball that was given by her royal highness as a compliment to the reigning King of Naples? I do.

Do you remember any dress that her royal highness wore upon that evening? I remember she had three dresses; two of them I recollect perfectly well; the other I do not remember so well, because I only saw her for an instant.

Will you mention the two that you remember? One was a Turkish dress, I think, and the other was that of a Neapolitan peasant; the third was the Genius of History, as I was told.

Did you see that dress which you were told was the Genius of History? I saw it for a short time.

Upon her royal highness? Upon her royal highness.

That night? That night.

Be so good as to state to their lordships whether that dress was in the smallest degree indecent or improper? I do not recollect that it was at all indecent.

Do you recollect particularly as to the breast? I think it was a dress of white drapery, that came up very high, as far as I remember.

Do you remember what dress it was that her majesty wore before she put on that? I do not exactly recollect, but I think it was the Turkish dress; it must have been the Turkish dress, because the last she wore was the Neapolitan peasant.

As far as you recollect, at this distance of time, would it or would it not have been possible to have put on the dress of the Historic Muse, over that she wore as a Turkish peasant? I really do not know, because I took no notice of the Turkish dress much; it might have been put over some part of it certainly.

Then, according to your recollection, would it have been necessary that the dress should have been entirely changed when her royal highness shifted from that of a Turkish peasant to that of the Historic Muse? Not necessary entirely.

Pergami was engaged, you say, at Milan? Yes.

Did he attend her royal highness from Milan to Naples, and continue in her service during her residence there? Yes.

Did you observe any impropriety of conduct, or any degrading familiarity between her royal highness the Princess and Pergami during the time between the engagement at Milan and the departure of her royal highness from Naples? Never.

Have you dined subsequently at table with her royal highness and Pergami? I have.

Has that happened frequently? Three times.

Upon any one of those occasions did you observe any sort of impropriety of conduct between those two individuals? Never.

Do you know the Countess of Oldi? I have seen her once.

Is she a person of vulgar manners? No.

Do you remember having any conversation with her royal highness before she arrived at Naples, upon the subject of William Austin? Yes.

Have the goodness to state what it was? I think that I told her royal highness, before we came to Italy, that it would be as well that William Austin should no longer sleep in her royal highness's room.

Did you state any reason for giving that advice? I said that the people in Italy might make some observations upon it.

Was any thing said about his age? Yes; I said he was of an age that might give rise to those observations.

Of what age was he then? I do not exactly know what age he was.

Was he six or seven? No.

How old do you think he was? Thirteen or fourteen, according to my idea; I do not exactly know what age he was, I only went by his looks.

Did you dine with her royal highness at Naples generally? Whenever she had company.

Amongst that company, did you ever see the Baron Ompteda? Yes, very often.

On those frequent occasions, when you have seen him at her royal highness's table, do you recollect whether a person of the name of Theodore Majocchi had an opportunity of seeing him? Yes, he must have had an opportunity of seeing him, for he waited at table.

Did he wait habitually at table? Every day when there was company.

On the death of his late majesty, did you attend the queen at Rome? I came to Rome very soon after that event, and I waited upon her majesty the day after my arrival.

How long after that did her majesty leave Rome? I think she left Rome the day after I was with her.

Was the Baron Reden the Hanoverian minister at Rome at that time? He was.

Is the Marquis Ghisiliari now alive? No, he is dead.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

Do you recollect where that conversation took place about William Austin? I cannot recollect the place, but it must have been soon after we left Brunswick.

Were you rightly understood that that was the recommendation you gave to her royal highness with reference to Italy? It was.

Then that was a recommendation that was prospective on your part? It was so.

You have mentioned that you saw the Countess Oldi once; will you have the goodness to mention where that was? It was at Pesaro.

Did you dine at Pesaro upon that occasion? I did so.

And you saw her at dinner? I saw her at dinner.

You have mentioned that you dined at the same table with Pergami three times; have the goodness to mention when that was, and where the first? The first time was at Pesaro; that was supper, not dinner.

Were the other occasions also at Pesaro? One was at Pesaro, and the last was at Rome.

Was that at Rome upon her majesty's way to this country? It was the day before she left Rome for this country,

Did you accompany her majesty? No.

You parted with her at Rome? I did.

You are understood to say, that at the masked ball at Naples you took no particular notice of the third dress, the dress of the Genius of History? That was the second dress; I saw it for so short a time I had not time to take notice of it.

Did you see Pergami at that ball? I do not recollect that I did, but all the servants were there.

Did you go up into her royal highness's room? No.

No part of the evening? No part of the evening.

You have been asked whether, in your judgment, it was necessary to take off the whole of the first dress for the purpose of putting on the second; whether it was or was not taken off, can you say or not? I cannot say whether it was taken off, or whether it was not.

Did you and Sir William Gell live out of the house during the whole of the time you were at Naples, except the first day? We were in the house for, I think, two nights; we slept there.

The rest of the time you lived out of the house? Entirely; we dined in the house.

Did you not usually come to the house merely for the purpose of dining? We took our waitings by turn, and the person who was in waiting was in the house all day long.

Where was the room in which you waited, in reference to her royal highness's apartment? It was in the end room in the front suite of rooms, and there were two rooms between that and her royal highness's bed-chamber.

You have said something as to the disposition of the rooms on the first night of your arrival at Naples; do you yourself personally know what that disposition was? I only know with regard to my own rooms and those of her lady-in-waiting.

Was there no circumstance that led you to know in what room Pergami slept the first night? No.

Or what room was appropriated for him the first night of your arrival at Naples? No, I heard nothing mentioned about it.

Did you ever, either to Lady C. Lindsay, or to any other person, state that you had made a representation to her royal highness as to what had been observed with respect to her royal highness and Pergami on the terrace of the garden attached to the house at Naples? I did so; I did not mention it to Lady C. Lindsay, but I mentioned it to a person at Naples; I mentioned that I had spoken to her royal highness about it; it was with regard to what I had observed.

Have the goodness then to state what it was you saw, and what you represented? I saw her royal highness walking in the garden, and Pergami was near, he was walking also in the garden; I knew there was a spy at that time at Naples; I had had information of it from England; that being the case, I thought it necessary to caution her royal highness with regard to any outward appearances that might be misconstrued.

When you say you had information from England, was that by letter? It was by letter.

Was any other person in the garden except her royal highness and Pergami at the time to which you allude? She said there was.

Did you see any other person? No, because she walked on a sort of terrace, which was much higher than the rest of the garden; there might have been other persons whom I did not see.

Do you know whether that terrace was near to the small cabinet that was contiguous to the room of Pergami? I cannot tell, for I never was in the garden, or in any part of the house.

Where was the spot from whence you saw her royal highness? From the terrace on the opposite side of the house, near the lady-in-waiting's apartment.

What apartment was that, was it the apartment of Lady Elizabeth Forbes? It was so.

Was that terrace on the same elevation as the terrace on which her royal highness was walking? No, it was higher.

When you say it was higher, do you mean that the terrace near the apartment of lady Elizabeth Forbes was higher than the other? I think so.

Where was Pergami, on the terrace? He was on the same level with her royal highness.

How far was her royal highness from the corner of the building which terminates that terrace? She was walking along the place.

How long did you see her there? Only from one end of the terrace to the other, as she walked up.

During that time you saw no other person but Pergami? I could see no other person but Pergami during that time.

Was that the only time that you ever saw her royal highness and Pergami in the garden together? The only time.

How long was that after your first arrival at Naples, as nearly as you can recollect? Not very long, for they were doing some alterations in the garden.

State, as nearly as you can tell, whether it was a week, a fortnight, or a month? I really cannot say exactly how soon it was.

Was it a fortnight or three weeks? I should say more than a fortnight.

And less than a month? It might be a month.

Did her royal highness tell you who that other person was that was in the garden? She said there were workmen in the garden.

Her royal highness did not tell you there was any other person in her company in the garden? No, she said she had taken Pergami in there to speak to the workmen.

When you saw her royal highness there, however, she was walking on the terrace? She was.

And Pergami was also on the terrace? He was walking also.

In the same direction as her royal highness? Yes.

What was the business about which the workmen were employed? I never was in the garden, but I understood—

Do you know of your own knowledge? Transplanting trees.

Do you know whether there were, in point of fact, any workmen? Yes, I know there have been workmen employed in the garden.

At the time when you saw her royal highness and Pergami walking, did you see any workmen in the garden? No, I did not.

From the terrace which is contiguous to the apartment occupied by Lady Elizabeth Forbes, had you not an extensive view of the garden? No.

Do you not see from that terrace to the extremity of the house and the garden in front of you? The garden is not in front of the house, the garden is only at one end of the house.

The garden is in front of the house in which you were standing? The garden was in front, but there was a terrace that was higher than the rest of the garden, and that was the terrace on which her royal highness was walking.

Then, if there were any workmen, they were down below? Yes.

But you, in point of fact, saw none? I saw none.

Were you ever in the garden yourself? Never.

Do you know, of your own knowledge, whether any workmen were employed there? I heard so.

You do not know it of your own knowledge? I never saw any.

How long before her royal highness quitted Naples did you leave her service? I did not leave it till she quitted Naples.

Do you remember a short time before that, Pergami coming into the room where you and Sir William Gell were? He came in very often when we were in waiting.

Do you remember his coming in, not in his dress of courier, but in a black dress? He never wore his dress of courier after coming to Naples.

Do you remember his coming at any time into the room in which you and Sir William Gell were, and taking a chair? Never.

No such thing ever happened in your presence? Not in my presence.

Of course you have never stated such a thing? Certainly not.

Were you ever at the theatre San Carlos? Very often?

With her royal highness? Whenever I was in waiting, and she went to the opera, I attended her, and sometimes when I was not in waiting.

Were you ever at the theatre San Carlos when her royal highness was there, and you were not of her party? Yes.

Were you there ever at a masquerade when she was there masked, when you were not of her party? I never was there when she was at a masquerade; I never was at a masquerade but once while she was at Naples; I understood the first question to refer to San Carlos with regard to the opera.

During the whole of the time you were at Naples, Pergami acted in the capacity merely of courier? No.

And waited at table? He waited at table every day.

How many other couriers were there at that time? There were no others.

What was Hieronimus? He was courier while we were travelling, but he was considered as page I believe when we were not travelling.

EXAMINED BY THE LORDS.

At the masked ball where you were present, you have said that you did not particularly notice one of the dresses of her royal highness, so as to be able to describe it; if that dress, or any dress that you saw her royal highness in, had been grossly immodest or indecent, must you have observed it? I must have observed it.

Did you observe any dress of her royal highness upon that occasion immodest or indecent? No, not one.

Was the advice with respect to the withdrawing of William Austin from her royal highness's chamber followed or not? I understood it to be followed; I never was in her royal highness's room to see whether the beds were there.

You do not know, of your own knowledge, whether it was followed or not? I know at one place on the road it was.

Where was that? That was in Germany before we reached Italy.

Did you consider the manners of Pergami as superior to those of an ordinary courier? Yes.

Have you any knowledge with regard to the passport granted to her majesty at Rome; did you ever see the passport? I saw the passport, but I did not read it.

In reference to the opinion you gave her royal highness with respect to William Austin, did it proceed from yourself, or was it in consequence of your opinion and advice being asked by her royal highness. It was from myself.

You stated that you saw her royal highness on the terrace, walking

near Pergami; did you observe whether they touched each other? I did not observe that they touched each other.

Did it occur to you that there was any impropriety in the manner in which the princess was walking with Pergami in the garden at Naples? Not the least.

Were his manners apparently those of a gentleman? They were above the situation of a courier; they were not so servile and fawning as those of the Italian servants in general.

Were the manners of Pergami those of a gentleman? Since I have seen him in that capacity they were; before that I had very little opportunity of knowing.

Independently of the letter you received from England respecting her royal highness's motions being watched, what other reason had you for giving her a hint respecting walking with Pergami in the garden? I had no other reason.

Would you have given her the same hint with respect to any other servant she had been walking with? Exactly the same.

Could you discover from Pergami's manners and appearance that he had been raised from a lower to a higher situation? No.

You have mentioned just now, in answer to a question put, as to the manners of Pergami, that you did not make any observation upon those manners till he became a gentleman, but that from his becoming a gentleman, you did not see any thing inconsistent in those manners; what was the period at which he ceased to be a servant, and began to be a gentleman? I do not know what the period was for I was not with her royal highness.

To what period then was it you directed your answer when you said you did not make any observations upon his manners till a particular period, which was when he begun to be a gentleman; what was that period to which you referred? It was the first time I saw him when he was raised to the situation of chamberlain.

When was that? It was a year ago, rather more.

He had not begun to be a gentleman when he was walking on the terrace? No.

You did not consider him then to have begun to be a gentleman whilst you continued with her royal highness? No, for he set off as courier from Naples when she went.

All you speak to, with respect to Pergami, is, when he was in his first capacity, namely, that of a courier or servant, and not his second capacity, that of a gentleman? I have spoken to both times.

The question refers to your continuance with the queen? While I was with the queen at Naples, he was considered as a servant, and waited at table.

When was the change in his circumstances and situation, the commencement of his being a gentleman? I do not know the precise time; I did not see her royal highness afterwards for four years.

You have stated that you supped with the Countess of Oldi at Pesaro with her royal highness; were there any other ladies at supper at that time? Countess Oldi I dined with at Pesaro; there was another lady, an Italian lady, whose name I do not know.

What company was there at the supper? At the supper Countess Oldi was not.

What company was there at the supper at Pesaro? Merely her royal highness's attendants.

Were there any ladies? There was that same lady I saw afterwards, whose name I did not know.

Was she an attendant upon her royal highness? I did not ask; she appeared to be staying in the house.

Were there any other ladies? I did not see any other ladies.

You are understood to have said, that while Pergami was in the situation of a courier, you did not particularly attend to his manners; but that when you afterwards saw him, when he was promoted, you saw nothing in his appearance or manners inconsistent with those of a gentleman? Nothing at all.

In the journey in which you accompanied the Princess of Wales to Naples, in the ordinary arrangement of the rooms, were the ladies or the gentlemen placed nearest her royal highness? The gentlemen were not placed near her royal highness, but there were always some men near her apartment to guard her.

Do you know who those men were that generally guarded her? It was some of the servants, Hieronimus sometimes.

Can you name any others? It was the upper servants, Mr. Sicard might sometimes, for aught I know, but I did not pay particular attention to it.

Do you recollect the date at which you went to Pesaro? Within a few days.

What was the year and the month? It was the last year.

In what month? I went to Pesaro in my way to England, and in my way back from England; it was on my road.

When you first saw Pergami on that occasion, were you introduced to Pergami? No, Pergami came to me with a message from her royal highness at the inn where I was.

Did anybody come along with Pergami? William Austin came?

On that occasion, did Pergami in the room take any notice of your servant? I do not know whether my servant was in the room or not when he came in.

Were you dressed when Pergami came into the room? Yes, for it was after dinner.

And you did not on that occasion see Pergami speaking to your servant? I cannot recollect whether he did or not; I do not recollect whether my servant was in the room or not.

Was it that night you supped with her royal highness? It was the same.

What was the company at supper? I do not know their names; I think Colonel Vassali was there; they were all unknown to me except William Austin.

Were you with her royal highness for a considerable time before supper that night? Two or three hours.

Did her royal highness say any thing to you about the company that was to be at supper that night? Not a word.

Do you remember any singing at supper that night? That lady I mentioned sung, but it was not at supper,

When did that lady sing? She sat down at the piano-forte and sung a song; by desire of her royal highness.

Did you ask her royal highness who that lady was? No, I did not; I do not know her name to this day.

Do you know whether she was of any profession? I do not know; I do not know who she was.

Before you first got the recommendation from the chamberlain of Pergami, did you see him in attendance about the inn at Milan? No.

Did you make any inquiry whom he had served antecedently?

Mr. Sicard was desired to make all the inquiries respecting his character, after the first recommendation by the chamberlain.

Do you know, of your own knowledge, whether inquiry was made of the person whom he had previously served, relative to his character? I do not know any thing on the subject.

You have said, that on your arrival at Naples, the first night it was agreed you should go into lodgings the next day; with whom was it agreed? With her royal highness: we came and told her our rooms were so bad, we must either have other rooms or find lodgings out of the house: there was an upper floor in the house; I understood the gentleman who lived in it was asked to give it up; he could not give it up, and therefore we went into lodgings. We did not go into lodgings the next day, we could not find them for a day or two.

Were you the person who went to ask for the passports for her majesty at Rome? No, I was not; the passports were asked for before I came to Rome.

Do you know who was the person who was sent for the passports? I do not know; I think it was Mr. Dodwell.

You had known Pergami in the situation of courier to her majesty? Yes.

Afterwards he was promoted to the situation of chamberlain? So I heard; it was not while I was in waiting on the queen.

Do you know whether any further rewards have been conferred upon Pergami by her majesty the queen? I know nothing but what I have heard from general report.

Was Pergami walking behind her royal highness on the terrace, or how? He was walking a little way behind her.

As servants usually do behind their mistresses? Yes.

What impropriety did you conceive there could be in that? I did not conceive there was any impropriety.

Why then did you give that advice to her royal highness, if you conceived, as you have now stated, there was no impropriety in Pergami walking behind her royal highness? Because I understood there was a person sent as a spy upon the princess, and he might put that down as an impropriety, though I did not think so myself.

Can you state who was the person so pointed out to you as a spy? The letter did not contain the person's name, but I was told afterwards who it was by a gentleman at Naples.

The witness was directed to withdraw.

Sir *William Gell* examined by Mr. Williams.

You are chamberlain of her majesty the queen? I am.

How long have you been in the service of her majesty? From about a month before her majesty went abroad.

Did you accompany her abroad? I did.

To Brunswick? Yes.

And thence into Italy? I did.

Do you remember a courier being discharged when you arrived in Italy? I do.

Where was that? I believe he was discharged at Florence; but it was agreed he should be discharged when we were at Milan.

Did you make any application to any person for another to succeed him? I forget whether I made an application, or whether the Marquis Ghisiliari came and offered a person to us

Had you a communication with the Marquis Ghisiliari upon the subject? I had.

Did you communicate to her royal highness what was communicated by the marquis upon the subject of the person he recommended? I believe I did, most likely I did.

Who was in fact recommended? A person of the name of Pergami.

What recommendation did the marquis give of Pergami? He said he had known his family.

Did you communicate this to her royal highness? I believe so.

Were you employed by her royal highness at the time to make inquiries of the marquis on the subject? Oh, certainly.

Upon recollection, did you or did you not report to the queen, the princess then, the account you had received from the marquis of this person? As far as to say that he was a proper person.

Are you to be understood that you mentioned to her royal highness the recommendation given by the marquis? Mentioning, I cannot say but in conversation, what had passed in conversation, but not as a decided embassy to her royal highness on the subject.

In conversation in any manner did you mention to her royal highness what had been reported respecting Pergami by the marquis? The conversation passed when her royal highness was in the room, and she must have heard it.

The marquis, the Princess of Wales, and you were in the room together? The marquis mentioned it very often.

Did the marquis ever mention the subject of Pergami, and the recommendation of him, in the hearing of the Princess? Certainly.

Upon those occasions, or any of them, when her royal highness was present, what recommendation of Pergami did the marquis give? He said he had known his family, that it had fallen into distress from the circumstances which attended the French revolution; that as to the man himself, he could answer for him being perfectly honourable, honest, and trustworthy, on every occasion on which he might be employed.

Can you recollect whether he stated any thing more in the recommendation of Pergami, in the presence of her royal highness? He stated, that he was above the office in which he was about to enter, and that he hoped, if he behaved well in the family, as he had no doubt he would, he would be gradually advanced.

Be pleased to state to their lordships in what manner the Marquis Ghisiliari conducted himself towards Pergami when he took leave of him? Pergami was, I believe, about to mount his horse; the Marquis Ghisiliari being in his uniform as chamberlain of the Emperor of Austria, and with his key as chamberlain, denoting what was his employment at the moment, took Pergami round the neck in the street, and kissed him twice before all the people; which we observed, as it was a singular thing when people were just come out of England, though a common custom in that country.

When you say the common custom in that country, is it the common custom between equals and gentlemen? Between equals, and perhaps not otherwise.

Among the higher ranks is it not the custom? It is the common custom among gentlemen.

Do you remember the Princess of Wales and her suite arriving nearly at Naples, approaching Naples? Certainly.

Was she met there by the then King Joachim? At Aversa.

That is a small distance from Naples? About six miles.

Do you remember whether the house to which her royal highness

went at Naples was sufficient for her and her suite? It was not sufficient for the suite, though it was a very good house.

Was there room enough for them there? There was not.

Do you remember whether her royal highness was called upon by the Queen of Naples the following morning? I believe she was.

Do you remember how her royal highness disposed of that evening, after the call from the Queen of Naples? I remember very well, because I attended her myself; her royal highness was invited by the Queen of Naples to a concert in the palace.

Do you remember how late her royal highness remained at the concert? I should think between half past 11 and 12 was the time when she quitted it.

Do you remember any thing with respect to the state of the queen at that time, at the concert? No, nothing particular.

As to her being tired? Tired, exceedingly tired and annoyed with the length of the concert; it was a very long concert, and very tedious.

On the following evening do you know where the queen went? I do, because I was in waiting.

Where to? To the theatre of San Carlos, in state.

What company was there in particular? I remember every body that was there; it was in the state-box of the theatre, which was splendidly illuminated for the Princess of Wales; the company was the King and Queen of Naples, and the Princess of Wales.

What was the entertainment? It was the opera of Medea, and the ballet I remember also.

How long did her royal highness remain? I remember very well, because I was very lame, and had to stand behind her royal highness the whole night, and it must have been at least 12, if not half past 12.

Do you remember the manner in which her royal highness went back from the opera? In the usual manner, in her own carriage in state, attended by myself and those of her household usually employed on those occasions.

Was there not a garden nearly attached to the house in which her royal highness resided at Naples? Yes, there was.

Do you know whether there was any alteration in that garden, either in transplanting trees or improvements? The garden had been cleaned up, and the trees nailed against the wall; they were in a confused state, lying over the paths, which is customary in that country.

For what purpose had there been workmen in that garden? I saw workmen nailing up trees that had fallen from the walls over the paths.

You saw that yourself? Yes, I did.

How soon was that after the arrival of the princess at Naples that you recollect the workmen being in the garden? That I really cannot tell.

Do you remember an entertainment being given by her royal highness to Joachim, the king? Exceedingly well.

Were you present? I was in waiting again myself.

Do you remember at any particular part of that entertainment there being the ceremony of crowning the bust of the king, or any thing of that sort? I remember it perfectly well.

Just state what it was? The company had expected that something was to be seen at the opening of a certain door; after a long time the door did open, and there appeared two Neapolitan ladies, the Duchess of Civitela and the Countess of Derri; I think the Duke of Casarano, with a trumpet; the Princess of Wales came down with a wreath of olive or of ivy, of olive I think, and placed it upon the head of a bust;

the door opened, as it might be so; the scene was shewn, and the door closed in as much time as I do it, and no longer.

Do you remember the particular dress of the Princess of Wales upon that occasion? I remember it perfectly well, it was a dress which I should say is best exemplified by the figure of the Townley Curiatius in the British Museum, or Mr. Hope's Minerva; it was meant to imitate one of those statues.

Was there any thing indecent or indecorous in the style or nature of that dress? The whole world is capable of judging; those statues are very much draped, completely covered.

In point of fact, upon that occasion was the dress of the princess of that description? As nearly imitated as dress of that kind can be imitated, as it appeared to me.

Were the duchess and countess you have mentioned to their lordships in an appropriate dress also? Something in the same sort of dress; but the door was open so short a time, that it was almost impossible to discover any thing with accuracy; it was almost like a flash of lightning; it was meant to represent that.

Did you attend the Princess further than Naples or not? I remained at Naples.

What was the cause of that? Because I was tired of travelling with the princess, particularly in the winter; and I really was not able to attend her in the way in which she travelled.

Why not? Because I had the gout very frequently, and had it very often while I was travelling with the princess.

Did you see her royal highness again after that time? Several times.

Where first, after her royal highness quitted Naples? On her return from her tour in Palestine, I met her on the road and accompanied her to Rome, and then went into waiting.

Did she apply to you to come into waiting? It became a matter of course; I do not remember the words of any application.

How long did you remain in waiting at that time upon her royal highness? As long as her royal highness remained at Rome.

Do you remember whether, upon that occasion, any persons of distinction waited upon her royal highness? I remember very well, as I presented several myself.

Mention any that occur to you now? The Count de Blacas, the French Ambassador; I remember it from a remarkable circumstance, that he introduced himself with the ministers of the house of Bourbon. I remember observing that the minister of the house of Braganza, and others, came rather in a manner extraordinary, because they were called the ministers of the house of Bourbon, they announced themselves as that on the staircase: the Portuguese minister.

In what year what this? It was on her royal highness's return from Turkey.

Had she been some time returned from the long voyage then, do you know? No, because I met her on the road.

In the year following were you again in attendance upon her royal highness? I was in attendance upon the princess when she was at the Villa Ruffinelli, at Frascati, and at the Villa Brandi the same year.

How long did you remain in attendance upon that occasion? About three months, rather more than less.

At that time do you remember whether any persons of distinction visited her royal highness? A great many.

What was the reason why you did not continue longer in attendance

upon her royal highness than the three months you have described? Because her royal highness was going to the north to settle some of her affairs, and she gave me leave to go to Naples.

Where was her royal highness going to? She had an idea of going to Como; a large party was invited to go with her royal highness to Como, the Prince of Saxe Gotha, and several other persons; but she found it convenient to sell the villa at Como, and that put off the whole party; the Princess Dietrichstein was also to be of the party.

Have you been in attendance upon the queen after that time, till lately? I have been in attendance only for a few days, while the princess as queen passed through Rome the last time.

Upon that occasion were you employed to apply for a passport for the queen? No, I was not; that had been done before by Mr. Dodwell.

Did you yourself see the passport? I saw the order for the post horses, which I considered as a passport, signed by the Secretary of State.

Do you mean that you saw the Secretary of State himself sign it? I saw the order for the post horses, with the Secretary of State's name, Gonsalvi, written under it; and several other gentlemen were called to witness the same fact, whom I can name, if it should be necessary.

That passport is left at the first stage you come to? I believe it is given to the post-master.

You did not get it along with you further than the first stage, at all events? I believe it is given to the post-master, which was the reason why four gentlemen were called to witness the manner in which it was made out.

How was it made out?

The Attorney-General objected to any question being asked to the contents of a written document. The instrument itself ought to be produced. He also doubted whether, in point of fact, this paper, even if were produced, could be considered material to the case under their lordsips' consideration.

Mr. Denman apprehended, that from the decisions which their lordships had already made, the contents of the document in question might be obtained by parole evidence. As to its materiality, this was a point on which he was perfectly prepared to satisfy their lordships. It was important to show to their lordships the manner in which the Queen of England had been treated by the secretary to the Pope, and this, too, under the influence of the Hanoverian minister. She had been described in this passport as the Princess Caroline of Brunswick, although already recognised as the queen of this country. Thus degraded from her title, without a trial, and by the orders of the individuals who had been instructed to bring forward this prosecution, to collect evidence, and to corrupt the witnesses who, he might now say, without the fear of contradiction, had been convicted of perjury, before their lordships.

After some discussion, the counsel were informed, that in the opinion of the house, the order for post horses could not be given in evidence by parole, unless it was proved not to be in existence, or that an application had been made for the production of it, which had been unsuccessful.

When you saw the queen at Rome, upon the late occasion to which the question has alluded, did you see Pergami? Several times.

Did you see Pergami as well in the presence of the queen as when she was not there? Yes, several times.

In the demeanour of the queen towards Pergami, or of Pergami towards the queen, did you see any thing in any degree indecorous or improper? Not in the least.

In what manner did Pergami conduct himself towards the queen upon the occasions when you saw them together? With the most marked attention, and generally speaking, as one should expect, what he ought; he did every thing which he ought to do, as it appeared to me, nothing singular or particular.

Was the Countess Oldi in attendance upon the queen at Rome at this time? The last time, certainly not.

Had you seen her previously? Twice; whilst I was in waiting at Rome the Countess Oldi was lady-in-waiting to the princess.

During what length of time was the Countess of Oldi in attendance upon the princess when you were? At the Villa Brandi alone, three months.

Had you an opportunity of judging of the conduct and demeanour and manners of the Countess Oldi? Yes, I had a very good opportunity, for I generally sat next her every day at dinner.

Is the Countess Oldi a person of low and vulgar manners? Certainly not.

What is the appearance and demeanour of the Countess? A very decent, rather good-looking, respectable, modest lady.

Upon any occasion when Pergami has come to see you, or you have seen him, when the queen has not been present, what has his conduct and demeanour been towards you, as to manner? I should say, on all occasions rather more respectful than was necessary; he generally required to be pressed to sit down; that sort of behaviour.

You have been for some time in Italy? I have been, at different times, almost ever since the queen first went abroad.

According to the habits of that country, is it an unusual circumstance for men-servants to go into a bed-room while the ladies are still in bed? I believe not at all uncommon; I believe it is very usual.

Do you know the Baron Ompteda? Yes, I do.

Have you known yourself, of your own knowledge, of his dining with the queen, when princess of Wales, at Naples? Certainly; I have met him at the princess's table at dinner.

Once, or more than once? I cannot remember more than once at this moment, I mean at her table; I have met him at other tables.

You have been in the East, have you not? I have.

Have you been in the habit of seeing a Moorish dance in the eastern countries? Not only in the East, but in Spain and Portugal.

Can you give any description, verbally, of the manner in which it is usually performed? I believe every body in London has seen the Spanish bolero dance on the theatre; it is something like that; in one part of the exhibition the two performers run up together, sometimes in

an attitude of defiance, and sometimes in an amorous attitude; the same dance prevails over all the south of Europe, and every body sees it without making any remarks upon it, ladies and gentlemen from Madrid to, I believe, China; and people may see it both in Rome and Naples.

During the time that you were at Naples in attendance upon the princess, were there many families in the habit of visiting her? A great many; every body that was there, I believe.

The Neapolitan nobility? All the Neapolitan nobility, and all the English nobility that were there.

Can you tell whether the English nobility, of which you have been speaking, were presented, or attended at the court of the then king of Naples, Joachim? I believe every one without exception.

Name any of those who were in the habit of attending either the court or the balls of Murat, or hunting parties, or any of his entertainments? The Marquis of Sligo, the Marquis of Conyngham, the Marchioness of Conyngham, Lord and Lady Oxford, Lord and Lady Holland, and many others; Lord and Lady Llandaff, Lady Elizabeth Forbes

And many others that you do not remember? Yes; I can remember them in a little time: but every body that was there.

Was it there or at Genoa that Lord Exmouth dined with the princess? I do not know any thing of Lord Exmouth.

When you were at Rome, upon the last occasion, do you know whether Pergami was received in the families of the Roman nobility? That I do not know at all, I do not believe that he ever went out.

CROSS-EXAMINED BY MR. PARKE.

How long were you at Rome the last time you were there? A few days only.

How long were you in attendance on her royal highness at Rome, after her return from the long voyage? The whole time she was there; I do not recollect how long, I should think a very few days.

You are understood to say, that after the expiration of those few days you quitted and went to Naples? Yes, I asked leave of the princess, and went to Naples.

You are understood to say you accompanied her royal highness when she first went to Naples, and formed part of her suite? I did.

Were you with her when she arrived at Naples? I was.

What time of the day was it? It was in the evening.

Was it late in the evening? No, not late in the evening, it was day-light; about sun-set I should say.

You say there was a garden behind the house where some workmen were employed? There was.

Did you yourself ever see the princess walking in that garden? Yes.

Did you ever see Pergami walking in that garden? Yes, I did one morning.

Was the princess there at the time? She was.

Were they walking on the terrace? They were.

How near was Pergami to the princess? About as near as I may be to you (about five feet).

Was he walking at the same time with her? Yes.

How long did you see them walking together on the terrace? Scarcely half a minute.

Where were you at the time you saw them? I was in another wing of the house.

Did you see anybody else in the garden at the time? Nobody but a man who was nailing up certain trees that had fallen across the path.

You were at a masquerade with the princess at a house of the king? I was at a masquerade and was in waiting.

Were you there the whole time? I was there the whole time, and very much fatigued with it.

Did you see Pergami there? I believe I saw him there with the rest of the servants.

Where were the servants; what were they doing when you saw them? They were generally waiting upon the company; handing ices, sweetmeats, and other things.

You did not see him there at any other time than with the rest of the servants? No, I do not recollect that I did.

Did you see her royal highness when she was in a Turkish dress? I believe I did, but I have not a very distinct remembrance of it.

When you saw her in a Turkish dress, did you see any other persons dressed as Turks? I believe there were a great many people dressed as Turks in the masquerade.

Was she by herself at that time, or forming part of a groupe when you saw her? That it is really impossible to say at a masquerade, it appears to me.

You cannot recollect whether you saw her alone, or with a groupe of Turks? No, I really cannot.

Did you attend her royal highness up stairs when she changed her dresses? I was once with her up stairs in the course of the evening.

Did you accompany her down afterwards? I should hardly think I did; I might come down the stairs with her, but not handing her.

Do you recollect in what character she was at that time? No, that I really do not.

EXAMINED BY THE LORDS.

You have said, that notwithstanding the opportunities you have described of observation, you never saw any impropriety whatsoever in the conduct of her royal highness, or of Pergami and her royal highness towards each other? No, never on any occasion.

Did you ever observe any thing in the conduct of the princess of Wales towards Pergami, in her conduct, manners, conversation, or looks, to induce you to entertain an idea that there was an adulterous intercourse between them? Upon my honour, I never saw the princess speak to Pergami but on matters of business, though I was in the house for three months at once with them.

Can you give a more distinct answer to that question? I never did.

Was there any thing in the manners of Pergami which made it disagreeable to you as a gentleman to share with him the duties of chamberlain? Quite on the contrary; he was remarkably attentive to me, and would have handed me down stairs with candles if I would have let him; I was obliged to explain to him that it hurried me, being lame, and to request he would let it alone.

Do you consider that that conduct, on the part of Pergami was the conduct of a gentleman? Perfectly so to me.

Did Pergami, while you were in the service of her royal highness, take more than a fair share of the duties of chamberlain? Certainly not.

Did you observe any thing in the conduct of Pergami towards the princess, which would have been different from the conduct of any English chamberlain? Nothing, but that he was more attentive.

Can you state to the house, whether, in point of fact, orders for post horses are preserved or not? I really do not know whether they are preserved, they are given before you set out from the city; as for instance, from Rome an order for post horses is, I believe, equivalent to a passport, as in the case of the queen; that order is delivered to the postmaster, who without it would give you no horses at all; consequently the passport is of no use till you have obtained that order.

Have you not every reason to believe that the order for post horses, which has been referred to would not be in any case forthcoming? From what I know of the Roman government I am perfectly convinced it would not be forthcoming, but that is merely from private information knowing how that order for post horses was got up.

Are you aware, or do you now know the fact of Pergami being or not being a married man? I believe he is a married man, I do not know it.

Do you mean to say that is your present belief, or that was your belief when Pergami was originally placed in the service of her majesty? I believe somebody told me so at the time, I am not sure whether it is correct or not.

Have you not seen a child that has been with the queen of the name of Victorine? I have.

Do you not know that she was the daughter of Pergami? She was called the daughter of Pergami, but whether she was the daughter of Pergami, or not, I do not know.

On the return of the princess from the opera at Naples to her own house on the second night she was at Naples, do you know whether she retired to her chamber immediately, or where she went? Her royal highness retired to her own chamber; I was in waiting, shut the door, having made my bow, and went out; I believe her royal highness went to bed immediately.

You have said you saw the princess and Pergami walking on the terrace, and that there were also workmen there; was that soon after your arrival at Naples? I have said before I am not quite clear as to the time, but I should think not the earlier part.

What was the hour of the night that the queen returned from the opera, and that you left her at her chamber door. It must have been towards one o'clock at the time she got to her own door; very late indeed.

You described that the queen was dressed in a robe resembling a Grecian female, could that robe be put over any other dress she had that night, without undressing? Not only it must have been so, but I have a clear recollection of the dress her majesty had on under it, a dress perfectly plain, that came up to the neck, was very short, and had no train.

Did you attend the princess of Wales to the Villa Brandi and Ruffinelli? I was with the princess of Wales perhaps three days at Ruffinelli; I then came back to Rome, and attended her to the Villa Brandi, where I staid with her all the time she was there, being about three months.

Do you remember the date of the princess of Wales being at Ruffinelli and the Villa Brandi? It was at the time she was at Rome, about the year 1817.

Can you state about what months of that year? I think I can, about the months June, July, and August.

Do you remember whether Louis Pergami was there? He certainly was some part of the time.

Do you remember whether any other persons of Pergami's family were at Ruffinelli or Brandi? There was the Countess Oldi, who I understood was his sister.

Do you remember any other? I really do not at this moment.

Was there another sister, named Faustina? Not that I ever heard of.

You never saw her? I never saw her, knowing her to be either Faustina or his sister, certainly.

Did Louis Pergami dine at table at the Villa Brandi? Sometimes he did?

At the table with the princess? At the same table.

Did you ever see Pergami's mother? Never to my knowledge.

You do not remember having seen in the princess's service any other members of that family but Louis and the Countess Oldi? I do not remember any others.

Did you yourself observe whether the short dress her royal highness wore when she had that of a Grecian female was on her royal highness in the first character she assumed? It was impossible; it was only by being in the passage close to the door, when the door was opened, I saw the princess in that short dress upon which she fixed, as I imagined, and indeed as I am certain all her other dresses.

You are certain that the first dress her royal highness wore was over that short dress? It could be no otherwise.

The question refers to that under-dress you speak of, coming up high, but as without a train, which you mentioned as being under the dress her royal highness wore when she assumed the character of a Grecian female; did you yourself know that her royal highness wore that short dress during the first character she assumed? It must have been so, for it was a dress made on purpose for that; I saw her immediately before she went down as a Grecian female, it was impossible that she could have had time to take it off, before she appeared as a Grecian female.

Where did Pergami sit at table, when you were at table with him? I think generally somewhere on the left hand of her royal highness.

Did he sit next to her royal highness, or at a distance from her royal highness? Sometimes next to her, and sometimes at a distance.

When you were at the same table? When I was at the same table.

Did you sit on the opposite side of her royal highness, or where? I generally sat, if there was no company, on the right hand side of her royal highness.

And Pergami on the left? Pergami sometimes the next to her on the left hand, and sometimes round the corner of the table; it was a square table.

When other company were present, did Pergami continue to occupy that place? That was just as it happened, sometimes yes and sometimes no, according to the rank of the people.

You have stated that Louis Pergami has dined at table when you were present, how often may that cirumstance have occurred? It has occurred several times, but sometimes he was on business of her royal highness, and then he was absent from home; when he was at home, I believe he generally dined there.

What situation did Louis Pergami hold in the establishment of her royal highness at that time? I believe he was her royal highness's equerry at that moment.

Where might Louis Pergami usually sit upon the occasion, when he has so formed part of the company? I think generally at the other end of the table.

The following question was put at the request of Mr. Solicitor-general.

When her royal highness appeared in a Turkish dress, did she or did she not wear trowsers? I happen to know what those trowsers were; she did wear trowsers, made in the form of Turkish trowsers; I beg to explain what they are, the trowsers that her royal highness wore are very much like a common petticoat sewed slightly together between the legs at the bottom, such as are commonly worn in the Levant.

The *Lord Chancellor*, at the request of Mr. Williams.—Could the terrace of which you have made mention, on which the queen and Pergami were once seen walking, be seen from surrounding houses, as well as a great part of the house itself? From every house in the neighbourhood.

Lord Brownlow.—On those occasions, when the princess at the masquerade at Naples went up stairs to change her dress, do you know whether any attendant was there to assist in changing her dress, and if so, who was that attendant? To say the truth, I believe she had a very great number of attendants; the door was opened and shut perpetually, and every body was in and out of her room.

Do you believe that Louisa Demont was one of those attendants? I do not remember her, I dare say she was.

Do you know whether Pergami was in attendance? I do not.

The witness was directed to withdraw, and the house adjourned.

TWENTY-SIXTH DAY,—SATURDAY, OCT. 7.

William Carrington, examined by Dr. Lushington.

In what situation of life are you? I am Sir Wm. Gell's valet.

How long have you been in that situation? Nine years.

What situation were you in before? I was in the navy.

In what capacity? As midshipman.

Did you attend Sir W. Gell the latter end of the year 1814, at Naples? I did.

Did you live in the house of the princess? I did.

Do you remember Pergami coming into the service of the princess? I do.

In what capacity? As courier?

Did his coming into the service of the princess as courier excite any or what jealousy? I never heard any.

Do you remember the first night that you arrived at Naples? Yes.

Do you recollect where Pergami slept that night? I do.

Where was it? It was in a small room over the steward's room, Mr. Sicard's.

Did he sleep in the same room the second night? No, he did not.

Do you know the reason that he changed his room? Because the room was so low that he could not stand up in it.

Do you remember the room to which he removed? Yes, I do.

Do you know the princess's room? Yes, I do.

How near was the room to which Pergami removed to the room of the princess? It was about sixty feet.

Was there any other room between the princess's room and Pergami's room? There were three rooms and a passage.

Can you tell who occupied those three rooms? Yes, I can.

State them? William Austin the first, Hieronimus the second, and Dr. Holland the third.

Are you to be understood that those three rooms intervened between the princess's room and the room of Pergami? Yes.

Did any of those three rooms open into the passage? Yes.

Do you remember being at a masked ball at Naples? I do.

A ball given by the princess? Yes.

Do you recollect the servants appearing in any particular dress? No, I did not see them in any particular dress.

Did you yourself wait upon that occasion? I did.

Did you travel in the suite of the princess on the journey to Naples? I did.

Do you remember Mr. Austin? I do.

Can you say where Mr. Austin usually slept before you reached Naples? He slept in a room by himself when there was room; when there was not, he sometimes slept in her royal highness's room.

Do you know a person of the name of Majocchi? I do.

Did you ever see this person at Ruffinelli? I have.

Did you ever hear him mention the name of Ompteda? I have.

What did you hear him say respecting Ompteda?

The Attorney-General objected to the question, and the witness having withdrawn from the bar, proceeded to argue against it on the ground that whatever Majocchi had said of Baron Ompteda could not be received as proof of any fact concerning that gentleman.

The Solicitor-General thought it quite clear that the question could not be put. Nothing was more fully admitted than that a witness could not be examined on conversations relative to facts collateral to the inquiry. Reference could not be made to Majocchi's evidence in a general way; and the statement attempted to be disproved ought to be specifically pointed out.

Dr. Lushington contended that the subject of the proposed examination, instead of being collateral, had a direct and most important bearing on the inquiry. Was it possible to argue that, to ascertain the fact whether Ompteda had not acted as a spy on her Majesty, had suborned her servants, broken locks, forced doors, in order to steal papers, with the view of fabricating charges to affect the character, the honour, and even the life of the Queen—[cries of order, and withdraw.] The learned civilian, on resuming, said, he meant to shew that the conduct of Ompteda was not collateral, but a direct point in issue, which in a subsequent stage of the proceedings

it might be necessary to prove, that locks had been picked, that doors had been forced, and that plots had existed; because that proof would be the means of explaining part of the conduct of her majesty, which had been made a ground of imputation. It would, for instance, account for her taking care that some of her male attendants, in whom she could place confidence, should sleep near her,—for her taking care to have always a person near her, on whose fidelity she could depend. He contended, that evidence for this purpose was admissible, as Majocchi had thought fit to deny the existence of any plot whatever; and when examined at different times, had also denied all knowledge of any locks having been picked. Their lordships would see in the minutes, what answers he had given about this Baron Ompteda. In the first place he said, "I do not remember the name." He was then asked—

'Did you ever, during the year after the long voyage, see a German baron dining at her royal highness's at the Villa d'Este? In the house Villani I saw him.

'Then you do know a certain German baron who used to visit her royal highness? He was a Prussian.

'What was his name like, as nearly as you can recollect? I do not remember the name, because it was an extraordinary or unusual name, but he was called the Baron—Baron—Baron something.'

After this evidence, was it not fit that her majesty's counsel should be permitted to prove that Majocchi knew this baron's name; that he often spoke of him; that he made his name and his deeds the subject of repeated conversations? He was further asked—

'Was there any thing happened in the princess's family, any thing that made a noise in the family connected with this baron, whatever his name was? This I do not remember.

'During the time you were in the service of her royal highness at the Villa Villani, or the Villa d'Este, do you recollect any blacksmith or locksmith being examined there with respect to the picking of locks? This I do not remember.

'Or about making false keys? This I do not remember.

'You never heard of any such thing in the family while you were there? This I do not remember to have heard: I do not remember it.

'Do you remember no quarrel taking place between Lieut. Hownam and this German baron, while you were there? I have heard that they had quarrelled together, but I do not know the cause of the quarrel.' [Then follows a long series of *Non mi Ricordos*, in answer to questions about the time when he heard of the quarrel.]

If Majocchi had denied seeing a person on his journey to Vienna, would it not be competent that he had acknowledged seeing that person? The witness denied all knowledge of that plot. He contended, that the testimony now offered did

away with that part of the evidence, and left the case *rectus in curia*. He did not contend that he should establish any facts declared by Majocchi. But if he proved that Majocchi frequently talked of the plot, that in talking of it he sought to evince his courage as well as his fidelity, by saying of Ompteda, 'If the queen would permit me, I would kill him like a dog'—if he proved him to have said this, he did not say that he should prove the facts stated against Ompteda, but he should remove the impression which had been made in consequence of Majocchi's perjury. The only objection which he conceived might reasonably be made to their doing so was, that it was a work of supererogation to attempt to detract from credit which no longer existed, for the evidence of Majocchi was already completely destroyed.

The Attorney-General of the Queen stated, that after the able argument of his learned friend, little remained for him to add; but there was perhaps a more important answer to Majocchi than those pointed out. He had said, he did not know what made him recollect the baron's coming to Villa Villani? If, therefore, he could show that he must have known, he apprehended that was quite open for him to do so. He was perfectly aware that he should be stopped in the question, for, whenever the name of Ompteda was mentioned, *per fas aut nefas*, an objection instantly came from the other side.

The Attorney-General objected to the style of his learned friend's argument, if argument it could be called, which consisted principally in assertion. He was not aware that any objection had been taken, whenever Baron Ompteda's name had been introduced, as to the propriety of introducing it. He must oppose the manner in which Dr. Lushington had argued the present question, because he had concluded by stating that it was a mere work of supererogation to shake Majocchi's evidence any further, it being already clear to every body that Majocchi was perjured. Such a decision was premature at present, and was one which it became their lordships only to make upon the conclusion of the case. He had never yet heard that a witness could be asked what another witness had said to him in the course of conversation, unless that witness had been first asked whether he had ever said it to him or not. Now, as to this particular question, he wished to say a few words. The question which had been asked Majocchi was this—'Do you remember no quarrel taking place between Lieutenant Hownam and this German baron while you were there?' and his answer was, 'I have heard that they had quarrelled together, but I do not know the cause of the quarrel.' Now, his learned friends, in order to be able to obtain an an-

swer to the question which they just had put to the witness, ought to have asked Majocchi, 'Have you ever stated to Wm. Carrington that you did know the cause of this quarrel?' because, if they had asked Majocchi that question, he might have been enabled to recollect the conversation, if it had taken place, and to explain the circumstances under which it had taken place; but, not having asked Majocchi that question, it was taking Majocchi unawares to put the question that was now proposed to the present witness. In the minutes the Lord Chancellor had stated, 'that it had been ruled in the Court of King's Bench, that counsel ought, in the first instance, to name the person referred to, for that a person might merely state that he never had such conversation; but that, if put in mind of having been with a particular individual at a particular time, he might immediately recollect, and his former answer be no slur upon that testimony.' That rule, he apprehended, was sufficiently plain, and he called upon the house to consider in what situation witnesses would, not only in this, but in all other cases, be placed in the courts below, if that principle were now to be given up. No question had ever been put to Majocchi, whether he had ever made any declaration about the knowledge of the cause of the quarrel between Lieutenant Hownam and Baron Ompteda, to any person, much less to Carrington; and he (the Attorney-General) apprehended that the objection which he had taken to the present question was perfectly well founded, and that no sufficient answer had been made to it by the other side. It was an assumption on the part of his learned friend to say that there had been a plot against her majesty, and that Baron Ompteda had been at the bottom of it. They had made great assertions upon that point; but as yet no proof had been offered to substantiate them. If it were a part of their case to prove the facts which had been alleged against Baron Ompteda (whose memory had been covered with the most unfounded slander and calumny), they certainly might do so; but then they could not do it by offering what had passed in conversation with a third person. No evidence at all had been given relative to Baron Ompteda in the case for the bill; and it was, therefore, highly unfair to let it go forth from their lordships' bar that the slanders which had been promulgated against him had foundation in fact. The learned gentleman then concluded his argument by again repeating that in point of law the question ought not to be put, and by imploring their lordships not to permit the witness to answer it.

The Lord Chancellor viewed the question as being one of considerable importance. It was not to be forgotten that the

authority which had been mentioned was met by other authorities on the same subject. The question, as he understood it, was this:—'Whether A. B., a witness, being called for the plaintiff in a case, and being asked if he knew of the cause of a quarrel between two individuals, and answering that he had heard of a quarrel, but did not know the cause of it; and on cross-examination not being asked whether he had made a declaration to C. D. regarding the cause; the question was, whether or not C. D. could be called to contradict him by proving the contrary, the witness not having been asked if he had held such conversation with that person.' It would be extremely desirable that this question should be submitted to the judges, and, after they had advised, the house would be better able to decide the question.

Lord Erskine thought that her majesty's counsel had a right in their questions not merely to refer to what Majocchi formerly said, but with such commentaries as they might think the nature of his evidence required. In his idea, the line of examination was perfectly allowable. If, however, his noble and learned friend wished to have the point decided by the judges, he had no objection. The house, however, were the real judges of it; and it was for them to decide whether the question, on which so much discussion had arisen, should be put to the witness or not.

Mr. Brougham resumed his argument, and contended that Majocchi having said, in answer to five or six questions on a particular point, *Non mi Ricordo*, 'I do not recollect,' and to two questions 'I do not know,' he maintained that he was at liberty to ask of the present witness whether Majocchi had not, by a conversation with him, shewn that he was speaking falsely when he said so, he (Majocchi) having mentioned circumstances to him (the witness) which proved that he must not only remember it in its general bearings, but also in its more particular details. The rule of law, he apprehended, allowed that a negative declaration to another person might be proved. Supposing the law of the case to be decided against him, the decision would be a novel one. Their lordships would not, surely—they could not, indeed—considering that he had come to this trial in total ignorance of the case, and of the witnesses in support of it, prevent him from putting a question, for which, if they had laid a ground by their previous examination, it was admitted, *ex concenser omnium*, that they would have a right to put. If they did prevent him, it would be peculiarly hard that he should be shut out from the opportunity of establishing a con-

tradiction, because, on the cross-examination of the witness, he happened to omit one particular question.

The Attorney-General, in reply, expressed his surprise that the experience and acuteness of discernment by which his learned friend was so particularly distinguished should have allowed him to argue as he had done. A fact and a conversation were totally different things: a conversation he might explain; a fact he could not. The point, here, was a declaration said to have been made by Majocchi, and he would contend that such a declaration could not be brought forward to invalidate his testimony, as Majocchi had not previously denied the conversation in which such a declaration was said to have been made. Had he been asked whether such a conversation took place, there might have been some ground for the question: now, he apprehended, there was none at all; his learned friend had not laid the slightest foundation for it.

Lord Erskine observed that the fact now sought to be established was of too important a nature to be defeated by an objection so purely technical. If their lordships wished to avoid the embarrassment of a possible dissent from the decision of the learned judges, he saw no reason why Majocchi might not be called again, and confronted with the other witness. This he had often seen done in the course of his practice; and he could never be persuaded that a question calculated to elicit the truth was inadmissible. As a peer he felt it his duty to declare, that, in his opinion, this evidence ought to be received.

The Lord Chancellor, without giving an opinion as to the legality of the question or the admissibility of the evidence that might be elicited, thought that the best course would be to ascertain the practice of the courts below; and, in order to do that, he would shape the question to be put to the judges in the following manner:—

1st. If in the courts below a witness examined in chief on the part of the plaintiff being asked, whether he remembered a quarrel taking place between A. and B., answered that he heard of a quarrel between them, but he did not know the cause of it; and such witness was not asked, upon his cross-examination, whether he had or had not made a declaration, stated in the question, touching the cause of it; and in the progress of the defence, the counsel for the defendant proposed to examine a witness to prove that the other witness had made such a declaration to him, touching the cause of such quarrel, in order to prove his knowledge of the cause of the quarrel, according to the practice of the courts below, would such proof be received?

2dly. If in the courts below a witness examined in chief on the part of the plaintiff being asked, whether he remembered a quarrel taking place between A. and B., answered, that he did not remember it, and such witness was not asked, on his cross-examination, whether he had or had not made a declaration stated in the question respecting such quarrel; and in the progress of the defence the counsel for the defendant proposed to examine a witness to prove that the other witness had made such a declaration, in order to prove that he must remember it; according to the practice of the courts below would such proof be received?

The questions were delivered to the Lord Chief Justice, and the learned judges craving leave to withdraw to consider them, leave was granted accordingly, and they withdrew.

Lady Charlotte Lindsay was further examined by

The *Lord Chancellor.*—Has your ladyship searched for that letter referred to yesterday? Yes, I have.

Have you been able to find it? No, I have not been able to find it.

Do you believe it not to be in existence? I believe it not to be in existence.

Have you any reason to think that it can be elsewhere but in your own possession? No, I have no reason to think it; I have not a positive recollection of having destroyed it, but I have no reason to believe that I did not destroy it.

The *Earl of Lauderdale.*—Can your ladyship state the grounds of your brother's request, as made in that letter? I have no distinct recollection of any thing contained in that letter, except his request and advice that I should resign my situation, and some pecuniary arrangements that were to take place between us.

Can your ladyship say whether your brother gave his advice without assigning any cause for that advice? I do not remember in that letter his assigning the cause, but I have some indistinct idea that the reports I before alluded to might have been mentioned in that letter, but I cannot positively say.

What reports does your ladyship allude to? Reports that I mentioned in answer to a question put to me yesterday by a noble lord, reports of an unpleasant and degrading nature that influenced me in resigning my situation.

Her ladyship withdrew.

Then *John Whitcombe* was put to the bar, and being sworn, was examined by Mr. Tindal.

In what situation of life are you? Valet to the Honourable Keppel Craven.

How long have you been in that situation? Upwards of six years, not quite seven.

Were you in his service at the time the princess of Wales went to Naples? Yes.

Do you recollect the first night of the arrival at Naples in what room Pergami slept? No, I do not to be sure.

Have you ever seen the room in which he slept? Not the first room, I never was in it.

Do you recollect the second room in which he slept? Perfectly well.

Was there a passage at one end of it from that room to the room in which the princess slept? There was a passage led from the one end of the house to the other, at the end of which Pergami slept, towards the terrace, the green-house rather, and the princess slept at the front of the house, at the other end of the passage.

Do you recollect the room in which Mr. Austin slept? He slept next to her royal highness.

Do you recollect the room in which Hieronimus slept? He slept next to Mr. Austin.

What situation in the princess's household did Hieronimus hold at that time? He held the situation of page, as I understood.

Do you remember where Doctor Holland slept? Doctor Holland slept in the next room to Hieronimus.

Did the three rooms which you have mentioned lie upon the side of the passage to which you have adverted? Yes; all three.

Was there a door from the room of Hieronimus that opened into the passage? Yes, there was.

Where did the door of Doctor Holland's room open? To another passage that came towards the dining-room.

Was Doctor Holland's room at the corner of the two passages of which you are speaking? It was.

Did the door of Doctor Holland's room open into the passage that turned into the first-mentioned passage? Yes.

Was that door nearly opposite the door of Pergami's room? Pergami's room did not open from that passage.

Do you remember where Mademoiselle Demont, the princess's femme de chambre, slept? She slept in another room over Doctor Holland, the stairs of which led from this passage.

Have you ever been in that room? Yes, frequently.

Have you been in that room by night as well as by day? Late as well as early.

At the time you have been in that room, has Mademoiselle Demont been there also? Yes, she invited me generally to go there.

When you have been in the room, has there been any other person there besides yourself and Mademoiselle Demont? There has been sometimes Preising (Annette we called her generally), but it was seldom she staid long when I was there.

Have you then been alone in the room with Demont? Very frequently.

At the time you have been so alone with her, has the door been locked or not? Locked and bolted.

The Solicitor-General objected to the last part of the examination. It was impossible not to see the object for which the learned gentleman had put the last question: and that, he apprehended, was not an object which could be legally pur-

sued by him. He supposed it was unnecessary for him to argue the point.

Mr. Tindal.—We will not, then, push this matter any further, my lords.

The Lord Chancellor.—Really you have pushed it already as far as you possibly could.

Do you remember the masked ball that was given at Naples? Perfectly well.

Were you in attendance upon that occasion? I was not ordered to attend at the ball; I was in attendance on Mr. Craven; and for my own amusement in the house I walked about in the apartments any where I wished.

Do you recollect whether the servants of her royal highness were in the early part of the evening dressed in character? Yes, they were, not all of them.

In what characters were those dressed who so appeared in character? Sicard, Pergami, and Hieronimus were dressed something after the Turkish costume.

Was that in the early part of the evening? In the early part of the evening.

Did they afterwards change those dresses for plain dresses? Sicard and Hieronimus went home, and never returned afterwards that I know of; I never saw them afterwards.

Did you see Pergami afterwards? I saw Pergami afterwards; to the best of my recollection, he was dressed in plain clothes.

What was he doing? Walking about with me, I met him frequently in the apartments walking.

Were there any refreshments handed about? All the evening, during the night.

Did you or did you not see him amongst the other servants assisting? I think I saw him once or twice carrying refreshments, lemonade, or something of that description.

Were you at Naples during the whole time the princess was there? All the time.

In what manner, according to your observation, did Pergami conduct himself towards the princess? The same as the rest of the servants; the same as we all did.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

Did you live in the house? We lived in the house on our arrival in Naples for a few days.

For how many days, as nearly as you can recollect, did you remain in the house? I should think three days, or four very likely; I am not certain to a day.

After that, you lived in the lodgings occupied by Mr. Keppel Craven? Yes.

You have described a passage extending from the apartment occupied by her royal highness to the apartment occupied by Pergami, that was so? It was.

And in that passage there were three rooms, one occupied by Mr. William, another by Mr. Hieronimus, and another by Dr. Holland? Yes.

Dr. Holland's being the corner? Yes, the corner.

Was there not a passage that led from the dining-room, by Dr. Holland's room, into the passage which you first mentioned? Yes.

In going along that passage would you leave Dr. Holland's room on the right? On the right.

Was there not a door leading from Dr. Holland's room, into that passage? Yes, to the best of my recollection, there was.

And no door into the other passage? I am not certain whether there was or was not.

In going along that passage which had Dr. Holland's room on the right, was there not a small room on the left? Yes, on the left.

Was that room which was on the left occupied? No, I think not.

Beyond the room on the left, which you think was not occupied, and next to that room, was not that the room of Pergami? Yes.

So that Pergami's room was at the end of the passage, which you have first described, and on the left hand at the end of the small passage which you have now described? Yes.

Was there not a door leading from Pergami's room, into the passage which you have first described? I am not certain to that; if it was there was a door that led to the passage, but whether there was any partition between that and Pergami's room, I am not certain.

You have described Pergami's room as being at the end of the passage you first described, was there any mode of going into Pergami's room from that passage? Yes, there was.

By a door? Yes.

You have described Pergami's room, as being towards the garden-side of the house? It is.

Was it the corner room, or was there a small cabinet beyond it? The corner room to the best of my recollection.

Will you swear, that going from the passage you have just described into Pergami's room, there was not beyond it a small cabinet? I cannot swear, but to the best of my recollection it was the corner room that looked into the garden.

You are not asked whether it looked into the garden, but whether there was not beyond it within, a small cabinet? I cannot be certain of it.

Was there not, in the passage which you have first described, near to the staircase that led up to the room occupied by Demont, a door? There was a door that led to Hieronimus's room.

Opposite to the door, or nearly opposite the door that led to Hieronimus's room was there not another door? I am not sure of that, I cannot charge my memory with that.

Was there not, parallel with the passage which you have first described, and beyond it with reference to Hieronimus's room, a second passage, leading from Pergami's room to the room occupied by the princess? There was a sort of inward room or passage, or something of that description, I do not know what it is called.

Was there not, near the foot of the staircase, a door from the passage you have first mentioned, leading into this communication, or passage, or whatever you call it, to which your attention has been called? To the best of my recollection there was, but I cannot be certain of it.

Counsel at both sides now said they were done with this witness.

Lord Erskine said he had something to say to him, but for the present he must withdraw from the bar. The witness

having withdrawn, the noble and learned lord said, that before he proceeded to put some questions to the last witness, he begged particularly to call their lordships' attention to the matter out of which the questions he meant to put arose. For this purpose he should beg leave to read to them an extract from the evidence of Madame Demont, which was as follows :—

Where did you sleep in Naples? In a small room over the passage where the other servants slept.

Did you sleep alone there? Yes, I did, alone.

Every night alone? Every night alone.

And the whole of every night? Yes, the whole of every night.

And alone the whole night? Alone the whole night.

Every part of a night, and the whole of every night, do you mean? Yes.

All alone the whole night? All alone.

She afterwards said she did not particularly know where any of the men-servants slept.

The noble and learned lord then desired that the witness might be recalled.

The Earl of Liverpool wished the noble and learned lord to state for what particular object—what precise question did he mean to put to the witness?

Lord Erskine replied, he meant to ask him whether he spent any part of any night, or the whole of any night, in the room of Madame Demont, when she was there and in bed.

The Solicitor-General begged leave with all respect to say, that that question could not be put. When Madame Demont was examined, it was impossible not to foresee that the object of his learned friends, in putting certain questions to the witness, was either to insinuate or to prove that some person had slept with Demont. It was, he thought, a clear and undeniable point of law, that a witness could not be asked if she had committed an immoral act, or, if asked such a question, compelled to give an answer, if she objected to it. This he affirmed to be the undoubted construction of the law, as administered in the courts below. He stated it with the utmost possible submission to the noble and learned lord (Erskine), for whose experience, knowledge, and talents, he had a profound veneration. It was quite unnecessary to cite authorities to their lordships, for he felt he was stating a position which could not be shaken. The only consideration then for their lordships would be, whether they would suffer that to be done circuitously which could not be directly attempted without a violation of the forms of law.

Lord Erskine said he remained unconvinced that his question ought not to be put; for he thought not only that the

question he was putting to this witness might have been put to Madame Demont, but also that she might have been legally asked whether he had ever slept with her. It was a course which he had himself often pursued at the King's bar; he had repeatedly asked a witness questions which went to shew his criminality. He was perfectly ready to admit that the witness was not bound to answer; but if answered, what reason was there to take that answer as conclusive, and not to be shaken by other testimony? He remembered that once, before Lord Ellenborough, he had insisted upon sifting such a question: it was objected to, and he tendered a bill of exceptions, which bill he was not under the necessity of arguing; it went to all the reason of the judges, and received the assent of the most eminent men at the bar whom he had consulted on the occasion. He concluded by asserting that he had a right to have the witness recalled, and asked if he was in Demont's room on any night when she was in bed there.

The Lord Chancellor said, when he first came into Westminster-hall, which was between forty and fifty years ago, the constant practice of the judges was, when a question of a criminatory nature was put to a witness, to inform him that he was not bound to answer the question: that practice was, he understood, of late years discontinued, and the more modern practice, as the rule was laid down in the text-books, was, that a question of the nature he alluded to might be put to a witness, though he was not compelled to answer if he did not please. This rule of law certainly put the witness in this singular situation—that, if he refuse to answer, an injurious suspicion is likely to attach to him; but it was clearly and positively laid down, that if a witness has answered such a question, it is inadmissible to call proof either to contradict or discredit that answer. This was now, according to the text-books, the clear and indisputable practice of the courts in Westminster-hall.

Lord Erskine said he could not concur in any practice which had the effect of shutting out evidence capable of throwing a light upon the testimony of a witness.

The Earl of Liverpool said Demont might be called again; and yet, notwithstanding this contradiction, she might be able to reconcile what the witness stated with the evidence she had herself previously given. She might say she had admitted this person to her chamber, and still persevere in saying she had never slept the whole, or any part, of a night with any body, for that was what her answer literally stated. How was it possible to go farther than this, if both witnesses were re-examined?

The witness was again called in, and asked, by

Lord Erskine.—Where did you sleep in the house at Naples during the time you were there? In a small room next the Honourable Keppel Craven.

Did you sleep there every night? Every night during the time I was in the house.

Did you sleep in your room during the whole of every night? I slept there after I went to bed; I was not in bed till twelve or one o'clock.

And you never went from your own bed to any other bed during the night? No.

You after those three nights went into lodgings? Yes.

Did you, during the time you were in your lodgings, ever sleep in the house you had left? I never slept in the princess's house afterwards.

You have been six years in Mr. Keppel Craven's service? Yes, I have.

Where did you first enter into his service? At Brandenburg-house, at Hammersmith.

Do you remember the year in which you entered into Mr. Craven's service? Not exactly.

But you are sure it was six years ago? Yes, more than six, near seven.

Were you at Pesaro with Mr. Craven about a year ago? Yes, about fifteen months since.

Do you recollect Pergami and Mr. Austin coming to Mr. Craven the day of his arrival? Perfectly well, I was at dinner when they came.

Were you in the room at the time that Pergami came into Mr. Craven? I showed Pergami into the room myself.

Did Pergami speak to you upon that occasion? He spoke to me in coming up stairs.

Did he shake hands with you as an old friend? He pressed my hand merely, as he ran up stairs, and walked on.

Were you ever in Demont's bed-room, after having gone into lodgings from the house at which you had first been? Yes, frequently.

Have you seen any body else in Demont's bed-room? No one, except Annette, to the best of my recollection.

The witness was directed to withdraw.

OPINION OF THE JUDGES.

The Lord Chief Justice of the King's Bench delivered the unanimous opinion and answer of the learned judges to both the questions propounded to them in the negative; and gave his reasons.

The Lord Chief Justice of the King's Bench, in compliance with an order of the house, delivered in a copy of his said reasons; and the same are as follow:

Lord Chief Justice Abbott.—My lords, The judges have considered the questions proposed to them by your lordships; and are of opinion, my lords, that this question must

be answered by them in the negative. The question proposed to the witness upon his cross-examination is, Do you remember? That question applies itself to the time of the examination, and many things may have taken place, and conversation may have been held upon them at one season, by persons of the strictest honour and integrity, which may at another season be absent from their memory. It must be in the knowledge and experience of every man, that a slight hint or suggestion of some particular matter, connected with a subject, puts the faculties of the mind in motion, and raises up in the memory a long train of ideas, connected with that subject, which until that hint or suggestion was given were wholly absent from it: for this reason, the proof that at a time past a witness has spoken on any subject, does not, in our opinion, lead to a legitimate conclusion that such witness, at the time of his examination, had that subject present in his memory: and to allow the proof of his former conversation to be adduced without first interrogating him to that conversation, and reminding him of it, would in many cases have an unfair effect upon him and his credit, and would deprive him of that reasonable protection which it is, in my opinion, the duty of every court to afford to every person who appears as a witness, on the one side, and on the other; according therefore to the practice of the courts below, a witness is asked on cross-examination, whether he has made a declaration, or held a conversation, and such previous question is considered as a necessary foundation for the contradictory evidence of the declaration or conversation to be adduced on the other side. I must, however, my lords, take the liberty to add, that in any grave or serious case, if the counsel had, on his cross-examination, omitted to lay the necessary foundation in the way in which I have mentioned, the court would, of its own authority, call back the witness, in order to give the counsel an opportunity of laying the required foundation, by putting his questions to the witness, although the counsel had not before asked them; it being much better to permit the order and regularity of the proceedings, as to time and season, to be broken in upon than to allow irrelevant or incompetent evidence to be received.

My lords, this being the opinion of the judges upon the question, it will follow as a consequence, your lordships will be aware, that to the other question which applies itself to the witness's knowledge of a particular fact, the same answer in the negative must be given; and in addition to the reasons with which I have troubled your lordships on the first question, it may also be added, where the question proposed

regards the witness's knowledge, that although a witness may have mentioned a fact in ordinary conversation at a former period, it does not follow that he may have that, which in a court of law can be considered as knowledge of the fact. A fact is often mentioned in conversation from the representation of others, without such a knowledge of it as can enable a person to say in a court of law, I know the fact.

My lords, the answers to your lordships' questions, which I have delivered to your lordships, are the unanimous opinion of the judges now present. But your lordships will be pleased to consider the reasons that I have taken the liberty to offer as proceeding from myself only; there not having been an opportunity of submitting to the previous perusal of my learned brothers, the written paper from which your lordships would observe that part of what I offered was read; I trust therefore, that whatever imperfection may be found in the reasons, will be attributed by your lordships to me alone.

The Earl of Liverpool observed it appeared that, by the practice of the courts below, the question might be regarded as objectionable, and their lordships would remember their own resolution of conforming generally to that practice.

Lord Holland thought the reasons stated by the learned judge completely satisfactory.

The Lord Chancellor said that in strict form the examination now to be pursued ought to be conducted by the court. If the learned counsel would have the goodness to represent to him the questions he wished to put, he would himself state them to the witness.

Then *Theodore Majocchi* was again examined by the lords.

The following questions were put at the request of the Attorney-General of the queen:

Do you recollect having seen at the Villa Ruffinelli, William Carrington, servant to Sir W. Gell? Non mi ricordo questa.—'I do not remember that.'

Do you remember having seen Sir W. Gell's English servant near Rome any where? This I do not remember.

Do you remember having ever seen Sir William Gell's English servant any where? I have seen him, I think at Rome, but not at Ruffinelli.

Did you ever tell Sir William Gell's English servant that Baron Ompteda had employed some one to get the keys of the princess at Como, in order to have false ones made from them? This not.

Did you ever tell that servant any thing to that or the like effect? I have never spoken of this.

Did you ever teh him that the person employed for the aforesaid pur-

pose by Baron Ompteda had confessed to the police such employment, and had been discharged in consequence? I have never had any such conversation.

Did you ever tell him that if the princess had not ordered the servants to take no notice of the conduct of Ompteda, you yourself would have killed him like a dog? I never said any such thing; these things are quite new to me.

Have you ever spoke of the villainy and ingratitude of Ompteda, after having so long ate and drank in the princess's house, and complained that he had brought suspicion upon the servants? Never.

Did you ever talk of Ompteda to the English servant of Sir William Gell by name? No.

The Attorney-General of the queen requested to be permitted to put a question to the witness with a view to his having said so to any person generally.

The counsel were informed, that the house had in their discretion permitted this examination, in order to apply a contradiction to the evidence of a particular individual produced as a witness; that other questions must be presented to the consideration of the house as the cases arose.

The Attorney-General of the queen stated, that he proposed to ask that question, not as applying to the witness having said this to other persons, but lest any difficulty should arise from his hereafter saying that he had said so, but did not know the person to whom the questions had referred.

Several questions and answers were read from the former evidence of the witness, after which he was asked,—

Did you ever hold any conversation with Sir William Gell's English servant respecting the conduct of that Baron with the extraordinary name? Never, never; I never spoke of this Baron.

The witness was directed to withdraw.

William Carrington was further examined.

What did you hear Majocchi say respecting the Baron Ompteda? He told me that Baron Ompteda was on a visit to her royal highness.

Was that Theodore Majocchi? Theodore Majocchi.

Was he in the queen's service? He was.

What did he tell you respecting the Baron Ompteda? He told me, that Baron Ompteda was on a visit to her royal highness, and that he had employed the postillion and the chambermaid to procure the keys of her royal highness's rooms to get false keys made.

Did Majocchi tell you that Ompteda had employed some one to get the keys belonging to the princess at Como, in order to get false ones made. He did.

Did Majocchi ever tell you that a person had confessed that he had been so employed, and was discharged in consequence? He did.

Did Majocchi ever tell you that if the princess would have allowed him he would have killed him like a dog? He did.

Killed whom? Baron Ompteda.

Did Majocchi state, that Baron Ompteda was very ungrateful, after he had so long ate and drank in the princess's service? He did.

Did he say that he had made the servants of the house to be suspected? He did.

Did he frequently mention the name of Ompteda? He did, often.

Do you remember Sir W. Gell being ill at any time that he was with the princess of Wales? I do.

Where? The first time at Brunswick, next at Strasburgh, and lastly at Naples.

Do you remember the princess ever visiting Sir W. Gell when he was in his bed? I do.

Many times? At Strasburgh he was on a sofa-bed,—at Brunswick on a sofa, and at Naples in a bed spread upon the floor.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

Where was it you had this supposed conversation with Majocchi? In the court-yard at Villa Ruffinelli.

Who was present? At that time he was by himself.

Did you meet him there accidentally, or how came you in the court? He was there preparing the princess's carriage to go to Rome.

How came you there? I was there merely accidentally,—by walking about the premises.

Was your master going to Rome too that day? He was.

How did he go? He went in a carriage.

Who prepared his carriage? I am not certain.

Had you to prepare his things to go to Rome? I had.

How long before they set out for Rome was it the conversation took place? This was on the same day we went to Rome.

How long before? It might be an hour, or an hour and a half.

How long before was it? I should suppose an hour.

At what time did you go to Rome? About twelve o'clock.

Do you recollect what month that was in? I think in the month of July.

In what year? It must be in 1817.

In July 1817? Yes, it was the time Sir W. Gell was with her royal highness.

How long had you been at Ruffinelli? Part of two days and one night.

Did you go to Rome that day? We did.

How long did you stay at Rome? Sir W. Gell stopped at Rome for two months.

How long did you stop? As long as Sir W. Gell did.

Did Majocchi go to Rome that day? He did,—with the family.

He was preparing the carriage, you say, at the time this conversation took place? He was.

Who else was in the yard or about the yard at that time? Principally the stable people, and the rest of the servants.

Do you remember the names of any of them? I was not perfectly acquainted with the stable people.

You do not know the names of any of the persons about the stables? I know one that was near to him, I do not know whether he heard him, which was Louis Pergami; he was in a lower room opposite, where he was preparing the carriages.

What led to this conversation with Majocchi at that time? He was talking of the disrespect Baron Ompteda had paid to her royal

highness, and that he should like to have it in his power to have satisfaction from him.

What led to the conversation about Baron Ompteda at that time? It was generally the subject of conversation through the house at that time.

At that time in the month of July in the year 1817? Yes.

At Ruffinelli? Yes, it was.

Did you begin the conversation with Majocchi, or did he commence it with you? He commenced it with me, by saying that Ompteda had employed some one to get the keys.

When you came up to him, he said Ompteda had employed some one to get the keys? Yes.

Those were the first words that he used? His first words were, 'Have you heard of the affairs of Ompteda?'

Those affairs that had been talked of in the house while you were at Ruffinelli? Yes.

He asked you whether you had heard of the affair of Ompteda? Yes.

What did you say to him? I said I had heard something of them, by which means he began, and told me the whole over again.

Had he told you this before? He had talked about it, but not throughout.

When did he talk about it? In the servants' hall, when he had been in the hall at dinner with the rest of the servants.

What other servants were there when he talked about it in the servants' hall? There were at the livery servants' table, I think, eight, or ten footmen, and other persons belonging to the household.

Name some of them? I do not recollect exactly the names.

Do you not recollect the names of any of the servants? They generally went by their christian names; there was one Francisco, a Genoese.

What was he? He was a footman, I believe; he wore her royal highness's livery.

Do you remember the name of any other? No, I do not recollect the name of any other; they were all strangers to me at that time, except him; I had seen him before.

He had had this conversation in your presence in the servants' hall? Yes, he had.

Still he said to you when you came out into the court-yard, 'Have you heard the affair of Ompteda?' Yes.

How long had you been at Ruffinelli? Part of two days and a night.

Had Sir W. Gell been with the princess before that? He had, at Naples.

After he left Naples, was this the first visit he paid her? No, he had seen her about twelve months before.

Where? In Rome.

This was the second time then that the princess was at Rome? The second time that Sir W. Gell saw her at Rome.

That was in the month of July 1817? I am not certain of the year, I think it was 1817.

Be good enough to recollect the year if you can? I think it must have been in the year 1817 or 1818; I think it must have been in 1817.

Which was it, 1817 or 1818? I am not certain it was 1817 the first time Sir W. Gell saw her royal highness at Rome, or whether it was the second time.

But this was the second time? This was the second time at Ruffinelli.

There was a year between? There was a year or thereabouts.

There was a year between the first time of his seeing her at Rome, and his seeing her the second time? There was.

This was the second time? Yes.

Whether it was in 1817 or 1818, you are not certain? I am not certain.

How many days did you see the princess when she was there the first time? When she was there the first time from the Turkish voyage, I think three days.

Were you at the Villa Brandi? Yes, with Sir W. Gell.

Did Sir W. Gell sleep in the house at the Villa Brandi? No, he did not.

Where did he sleep? He slept at the hotel de l'Europa.

How far is the Villa Brandi from the hotel at which Sir W. Gell slept? A mile and a half or two miles.

Did Sir W. Gell use to dine with the princess, and return to the hotel in the evening? Yes, he did.

About what time did he usually return? Sometimes late, and sometimes early.

Usually? When there was a deal of company, sometimes twelve o'clock, or sometimes one at night.

How far is Ruffinelli from Rome? Four miles or better.

At the time you came from Ruffinelli to Rome, did the princess come to the Villa Brandi? Yes, she did.

It was at that time that she remained there, and that Sir W. Gell was there? Yes.

How often did Sir W. Gell dine with the princess at that time? I cannot say, but I think nearly every day.

RE-EXAMINED BY DR. LUSHINGTON.

You are understood to state, that after the princess left Naples you saw her twice at Rome or at Ruffinelli? Yes, twice.

The first time that you saw the princess, did you hear any mention made of Baron Ompteda? The first time no.

Had you any conversation with the servants of the princess prior to your seeing them the second time at Ruffinelli? I saw the servants, and dined with the servants, the second time.

Was it then that you first heard of Baron Ompteda? Yes, it was.

EXAMINED BY THE LORDS.

The *Marquis of Buckingham.*—You state that you have been a midshipman in the king's service? Yes.

How long have you left the service? In the year 1811.

How long were you a midshipman? About a twelvemonth.

When did you enter Sir W. Gell's service? At the same time, in 1811 or February 1812.

Immediately after you left the service? Yes, very soon after.

Do you understand Italian? A little, pretty well, I can speak it so as to make my way in Italy.

What language did Majocchi hold this conversation with you in? In Italian.

Did any body interpret between you, or did you understand one another? No, we understood one another perfectly.

You understood him perfectly? Yes.

Perhaps you cannot speak the language enough to give the words in Italian, but give the words in English that he used when he spoke of his willingness to kill Ompteda? He said, he and the servants in general had made up their minds to give him a good thrashing, and to kill him if they could.

Was that all that passed about killing Baron Ompteda? That was all he said in respect of killing him; he said it in Italian.

You mean to say that he never said any thing to you respecting killing Baron Ompteda, except those words you have just now stated? He said he was forbidden to do so by Lieut. Hownam; he and the servants were forbidden to molest Ompteda, in any place where they might meet him, by Lieut. Hownam.

That was all that passed upon the subject of either thrashing or killing Baron Ompteda? That was all.

Those were the only words? Those were the only words that were used.

Lord Ellenborough.—Where is Ruffinelli? It is about four miles from Rome.

Is Rome the nearest town to Ruffinelli? Yes, I think it is; there are some small villages under the toe of the mountain nearer it.

Which is the nearest? I do not remember the name, but the largest is Albano; that is the next principal one that is near it; there is another small one, the name of which I do not recollect.

Have the goodness to describe the house at Ruffinelli, what is the colour of it? The colour of it is white, outside.

Be good enough to describe it? It had formerly been a convent; a long slip of a house, with a chapel at one end of it.

Is it a high house or a low one? Rather a low one.

Is the garden before or behind it? The garden is behind it, or in the middle of it rather.

Is the garden walled? I do not think it is; I have walked in the garden, I never saw any wall.

Was it by day, or by night, the princess visited Sir W. Gell when he was ill in bed? By day.

Did she come alone? I think Lady Elizabeth Forbes was with her.

Were other persons in the room besides yourself, and the princess, and Sir W. Gell? I think Dr. Holland was in the room one time.

Albano is the nearest village to Ruffinelli? There is Frascati, a village in which it stands, about a quarter of a mile off.

The *Earl of Lauderdale.*—You have said that you saw Louis Pergami at the time this conversation took place between you and Majocchi? Yes.

How was Louis Pergami occupied? He was occupied in giving orders for the horses, and different orders on going from the place.

Was he assisting in preparing the carriages? No, he was not.

You heard this conversation twice at Ruffinelli, in the servants' hall, and once in the court-yard? I did.

Do you recollect the names of any of the servants besides that one you have mentioned? No, I do not recollect any of the names of the servants.

Do you remember a servant of the name of Alessandro there? No, I do not; I did not dine at the table of the livery servants, and did not know them.

You did not know Alessandro Finetti? I do not recollect the name.

Did you ever see a servant of that name at Ruffinelli? Not to my knowledge: I might see him, but did not know him.

Were you ever more than once at Ruffinelli? I was there part of two days and a night.

The *Marquis of Huntley.*—Are you to be understood to say, it was only four miles from Rome? I think it was four miles from Rome.

In what ship did you serve in the navy? I was with Sir J. Beresford, in the Poictiers.

What was the first year you went to Italy? I think in 1814.

Did you speak Italian before you went to Italy? I did a little.

The *Earl of Liverpool.*—You say that Theodore Majocchi told this story first in the servants' hall: state particularly the names of the servants who were there; were those the servants you saw either before or afterwards at the Villa Brandi? I saw them at the Villa Brandi afterwards.

Did you not live with them at the Villa Brandi generally, during the time Sir W. Gell was there? No, I did not with the livery servants.

Can you name any one you can recollect? I do not recollect their names, I know them all by sight.

The *Earl of Roseberry.*—Can you repeat in Italian the particular phrase Majocchi made use of, with reference to speaking of Baron Ompteda? I can a little, I think.

Have the goodness to do so? Lui hanno detto a mi, vudres che lui lasciar me è fare il mio dovere, che lui vorrebbe bastonare è mazzare come un cane in mezzo alla strada.

Translate that into English? Theodore Majocchi said he wished he had it in his power to do his duty and his pleasure, he would thrash him in the street, and murder him in the street.

Can you swear to the accuracy of those latter words, 'come un cane?' Yes, I can.

Are you certain that conversation took place in one or other of the two years, 1817 or 1818? I am not certain whether it was in 1817 or 1818.

You are certain it was in one or the other? I am.

The *Earl of Darnley.*—What is the English of these words 'come un cane?' As a dog, or like a dog.

You have stated the distance from the Villa Ruffinelli to Rome to be four miles; what miles do you mean? I mean Roman miles, or geographical miles.

Are those computed or measured miles? I understand they are measured miles.

Did you ever walk from Rome to the Villa Ruffinelli? I never did, I have always gone in a carriage.

How long were you going from one to the other? Three quarters of an hour, or an hour.

You went very slow? I did; it is all up-hill.

Are you sure it was the Villa Ruffinelli, or the Villa Brandi? The Villa Ruffinelli.

Do you recollect whether there are any measures of distance corresponding with mile stones on the road? I do not recollect any mile-stones; it is generally called so.

The *Earl of Lauderdale.*—Why did you leave the navy? I did not like the sea, and Sir John Beresford got my discharge.

Is Frascati near to Ruffinelli? It is about half a mile, or a quarter of a mile.

When you had this conversation with Majocchi, did he inform you

how long before that time it was that this affair of Baron Ompteda had happened? He did not say any time, but said it was at Como.

Did you ever mention to any person the conversation that passed between you and Majocchi? I did.

To whom? To Mr. Vizard.

Was that shortly after the time he had spoken to you? No, it was not, it was in London.

Did you, shortly after the time you had had that conversation with Majocchi, ever mention it to any persons of the suite you were with? No, I never did, I was never asked.

Can you state the day of the month in which you mentioned it to Mr. Vizard? It was in the month of September, I do not remember the day.

Was it on the day on which you first saw Mr. Vizard? I had seen him before, it was the first day I was at his house.

Had you read the evidence in this cause antecedently? I had, some of it.

Had you read Majocchi's evidence? I had.

The *Earl of Harrowby.*—You have stated that Majocchi had held some conversation in the hall, among the other servants, previous to his conversation with you, can you recollect what Majocchi said in that conversation when the other servants were present? Only to the same purpose relative to the affair of Baron Ompteda.

Was that conversation addressed to you or to the servants in general? It was addressed to me.

Did the other servants hear it? They did.

You have stated that Majocchi began the second conversation with you by asking you whether you had heard of the affair of Baron Ompteda? He did.

The *Earl of Roseberry.*—Was the conversation in the servants' hall, and the conversation in the yard upon that subject, held on the same day? No, it was not.

Which was held first? That in the servants' hall was first, he did not mention about thrashing and murdering Ompteda in the hall, but in the yard.

Did you ever mention this to Sir W. Gell? I did, after I had read the evidence.

And before you went to Mr. Vizard? No, after I had been to Mr. Vizard.

The *Marquis of Lansdown.*—Without stating any number of times, can you state how often you went from Rome to Ruffinelli, and from Ruffinelli to Rome? But once.

Did you take any part in the conversation with Majocchi respecting Ompteda, when you heard him mention it in the servants' hall? I did not take any part further than giving ear to it; but he told me more particularly in the yard.

A Peer.—You have given in Italian some part of what Majocchi told you, can you give in the original Italian words, the way in which he began his conversation, what were the Italian words? Avete intese cosa ha detto il gente de la servizio del affare di Ompteda.

The *Earl of Enniskillen.*—You were a midshipman on board of the Poictiers? Yes.

Where were you discharged? At Portsmouth.

In February 1812? It was in February 1811.

When you had the second conversation with Majocchi, did Majocchi

allude to the former conversation which you had in the servants' hall? He did.

In what way? Telling me many particulars in his own idea what he would wish to do.

The *Marquis of Buckingham.*—You mentioned this matter to Mr. Vizard after you had read the evidence given by Majocchi? I did.

Did you mention it to any body else? I mentioned it to people in the street talking of it, that I could contradict it.

To whom did you mention it? I mentioned it to Mr. Whitcombe, who was here just now, John Whitcombe, Mr. Craven's servant.

Did you ever mention it to your own master, Sir William Gell? After I had seen Mr. Vizard.

How came you to go to Mr. Vizard? I was told; I saw him at the queen's, and I knew he was solicitor to her majesty.

Were you told he was solicitor for her majesty? Yes.

Who told you? Sir W. Gell.

Before you mentioned this matter to Sir W. Gell? Yes, before I mentioned this to Sir W. Gell.

Can you mention any other persons to whom you mentioned this besides Mr. Vizard and Mr. Keppel Craven's servant? I mentioned it to Sir W. Gell and Mr. Craven, after I had been to Mr. Vizard.

Before you went to Mr. Vizard? I mentioned it to persons in the queen's household.

Name them? Mr. Hieronimus, Mr. Milborn, Mr. Crachnell.

Did you mention it to any persons not in the queen's household? I mentioned it to different people in company.

Where did you mention it to those people? I mentioned it at Brandenburg-house among the queen's servants.

You say you mentioned it in the street? Yes, I did; in consequence of persons knowing I was with Sir W. Gell, persons asked me, and I said I knew a good deal of it was not true.

Who were they, persons known to you? Mr. De Bruhl, General Oakes's servant; Mr. Mitchell, Lord Glenbervie's servant.

The *Duke of Clarence.*—Did you go by the same name when you were on board the Poietiers as you do now? I did.

Were you in any other ship in his majesty's service than the Poictiers? No, my lord.

Lord Colville.—Have you any certificate from Sir J. Beresford of your service under his command? I had, but I have not it now.

Do you mean to say you have lost it? I have.

But you are certain you received a certificate? I am.

Were you rated a midshipman on board the Poictiers? I was.

How long? I do not know rightly how long; I suppose during the time I was there.

What situation had you served in before you were on board the Poictiers as a midshipman? I had been at sea in the merchant service when I was a boy; then I had been on land, and got my livelihood in the best way I could.

You are to be understood that you were never in his majesty's service before? No.

Lord Enniskillen.—What countryman are you? An Englishman.

What part of England? Essex, near Colchester.

The *Duke of Clarence.*—Having stated that you had been in the merchant service previous to your going on board the Poictiers, are you to be understood to have joined that ship as a midshipman, capable of

doing immediate duty, or as a youngster? I went with Sir J. Beresford on board the Poictiers.

Do you mean that you entered as a youngster to learn your duty, or did you go upon the quarter-deck of that ship as a positively effective midshipman? I was not a very youngster; I did not go upon the the quarter-deck for some time; but I understood I was to be a midshipman.

Are you positively sure that from the time you joined the Poictiers, you were rated midshipman? I am not certain whether I was rated at the time or not; I was rated at the time I left it, which I saw upon my ticket.

You are perfectly clear in your own mind that you left his majesty's service for no other reason than at your own request. Nothing else.

The *Lord Chancellor.*—Was the servant Francisco, whom you have mentioned, the servant of Mr. Hownam? I am not certain, I only know him by the name of Francisco, and know he wore her royal highness's livery.

Was he the only servant of that name? I recollect no other.

The witness was directed to withdraw.

Then *John Jacob Sicard* was examined by the Attorney-General of the queen.

When did you first enter the service of the princess of Wales? Next February the first, it will be twenty-one years.

You are a foreigner? I am a naturalized Englishman now.

Of what country are you a native? Of Anspach.

Had you been in any other place before you entered her royal highness's service? Yes, I had the honour of living ten years with the Marquis of Stafford.

In what capacity did you live with his lordship? As cook.

In what capacity did you enter her royal highness's service? As cook.

By whom were you placed in her royal highness's service? By his present majesty's orders; Mr. Beek, who is now dead, appointed me.

Were you afterwards promoted to any other place in her royal highness's service? In the October of the same year, her royal highness was pleased to appoint me her maitre d'hotel.

Did you remain in her royal highness's service in that capacity? Yes.

Did you afterwards serve her in that capacity till you went abroad with her? Yes.

When was that? We left England in August 1814.

Did you accompany her royal highness to Brunswick? Yes.

From Brunswick to Italy? To Strasburgh, and through Switzerland into Italy.

Do you remember her majesty having occasion for a courier at Milan? Yes.

Did you receive any directions respecting the hiring of a courier? Sir W. Gell gave me orders to hire one.

Did he mention to you the person whom you were to hire? Partly so; he said he would be recommended by the Marquis Ghisiliari.

Did you in consequence of his directions hire the courier so recommended? Certainly.

Was that Pergami? Yes.

Had you any communication with her royal highness upon the subject of hiring Pergami at all? None.

Do you happen to recollect whether her royal highness dismissed a courier about that time? No.

Do you happen to recollect whether soon after that time? Soon after, at Rome; Croquet we had hired at Geneva.

Do you recollect, on your arrival at Naples, the house in which you were the first night with her royal highness? Yes.

Was there sufficient accommodation for her royal highness's suite in that house? Not conveniently.

Were other arrangements for the accommodation of the suite made the day after; Yes, several.

Do you recollect in what room Pergami, then the courier, slept that first night of your arrival? If I am right he slept where Charles Hartrop slept, or somewhere near there, over Lady Elizabeth's room.

Did he continue to sleep in the same room the following nights? I believe one night or two.

Did he then remove to another room? Yes.

Who appointed that room for him to go to then? I did.

What was that room? A small cabinet.

Did you make that arrangement for his changing his room, and sleeping in that small cabinet, by directions of her royal highness? No.

Had you any communication previously with her royal highness upon the subject? No.

Had you any communication with any other person? With Hieronimus I spoke.

Do you recollect any reasons you had? The principal reason I had was, that there was a glass door which went into the garden that was not safe, and therefore I thought it right that a servant, or some one, should sleep there, a male.

During the time that you have lived in her royal highness's service, now her majesty, have you had occasion to observe the manner of the queen towards her servants? Yes, I have many times.

Have you had occasion to see the manner in which her majesty treated her servants? Yes.

The manner in which her majesty spoke to her servants? Yes.

Has her majesty frequently conversed with yourself? Many times.

What manner of conversing with or treating her servants had her majesty generally? Uncommon kind, almost to a fault.

Was this manner of her majesty towards her servants generally to all her servants, or was it confined to any one individual among them? To all.

Have you ever had occasion to walk near her royal highness, or with her royal highness? Many times, by her command.

Have you ever walked so with her royal highness in a garden? Yes, in the pleasure ground at Blackheath many times.

Upon those occasions, has her royal highness talked to you in walking? Very condescendingly.

Has her royal highness ever had occasion to take your arm in those walks? Except on steps or rising ground, and sometimes her royal highness, in the way of conversation, I have had the honour for her royal highness to put her hand upon my arm, by saying, 'you under-

stand what I mean,' or, 'do not you agree with me;' and I believe their lordships may have had an opportunity of that.

How long have you ever had the honour of walking with her royal highness upon those occasions? Half an hour, or sometimes more.

Do you happen to recollect whether you walked with her in the garden at Naples at all? I do not recollect it.

Do you recollect a masked ball at Naples? I do.

Given by her royal highness? Yes.

To the court of Naples? Yes, I had the management of it; Mr. Piarelli assisted me, a person who must be known to some of your lordships; Lord Llandaff, I believe, knows him.

Who is Mr. Piarelli? A very respectable person; a merchant.

Did you also yourself, upon that occasion, appear in any dress? Yes.

Did any of the other members of her royal highness's suite? Yes; Hieronimus and I went together.

How were you both dressed? As Turks.

Do you happen to recollect her royal highness attending that masquerade herself? Yes.

Did she appear in one or more dresses in the course of the evening? I recollect two dresses.

Do you recollect what those dresses were? One of them was a kind of a country peasant, and the other a Turkish dress, if I recollect right.

You are no longer in her majesty's service? On a pension as long as she pleases to give it.

When did you quit her royal highness's actual service? Within these last three or four months.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

What is the amount of the pension you have from her majesty? For the present it is 400*l.* a-year.

Did you say that that was a pension, the continuance of which depended upon her majesty's pleasure? Entirely.

You entered her majesty's service, some time before she went abroad, and were at Naples? Yes.

Did you leave her at Naples? No, her royal highness left me.

Where did you go to from Naples? From Naples I went, with the servants and the baggage and horses, down to Genoa by sea.

Did you remain at Genoa till her royal highness arrived there? No.

Where did you go to from Genoa? Immediately for England.

When did you join her royal highness again? Not until I went out with the news to inform her majesty of the king's death, at Leghorn.

So that the only time you had an opportunity of observing the conduct of her royal highness towards Pergami, was during the time of her royal highness's residence at Naples? Exactly so.

Was it your business to allot the different apartments appropriated to the different individuals of the suite? It was mostly my business.

Do you remember stopping at the country house of Murat, the night previous to your arrival at Naples? Yes.

Did not William Austin that night sleep in the bed-room of her royal highness? That I cannot tell, because I went off immediately in one of the king of Naples's carriages for Naples, to prepare the house there.

Before you left that country house for the purpose of proceeding to Naples, did you make an arrangement of the apartments for the different

individuals composing this suite? Not in that house, because the Mareschal de la Cour settled that.

Have you no means of knowing whether any apartment there was allotted for William Austin? No.

With respect to the apartment that was occupied by Pergami, had it not a direct communication by a passage with the apartment occupied by her royal highness? Not exactly so; there were several doors.

Was there a small cabinet contiguous to the apartment occupied by Pergami? There were several, two that I remember.

Was there a public passage leading from the bed-room of Pergami to the bed-room of her royal highness? Yes.

Was there, beyond that passage and parallel to it, a small passage leading the whole length? There was.

Was there, at the end of that passage, a small cabinet? Not to my recollection.

Was it so constructed, that a part of the passage might be enclosed, so as to form a small cabinet? That I cannot answer what might be done

Was there a door opening from the room of Pergami into that passage? There was.

Was there another door in that passage opening into the large passage? I believe there was.

Was there a door opening from that passage, also into the room of her royal highness? These questions are difficult to answer, because I cannot point out the plan; you are asking me a question I cannot be exactly positive about; if you will point out what you mean, I shall be able to tell you.

[*A plan was shewn to the witness by Mr. Solicitor-General, who stated it was not referred to as to actual measurement, and the witness was asked,*]

Assuming the apartment there described to be that of her royal highness, does it correctly point out the other apartments? It is correct, except that there was another door in the passage.

Was there not then a communication along the passage, through this door which you have described, to the bed-room of her royal highness? Yes.

Did any body sleep there? Not that I know of.

The rooms in which Hieronimus slept, and in which Dr. Holland and Wm. Austin slept, all communicated with the other wide and public passage? Yes.

And there was no person slept in that line of communication you have pointed out, between the room of her royal highness, and the room allotted to Pergami? I understood, that sometimes, when Pergami was ill, a servant was to sleep there; but I never saw it.

With that exception, there was nothing to interrupt the communication, provided the parties were desirous of communicating between the one room and the other? I do not recollect that there was.

What time in the evening was it that you arrived at Naples? I arrived in the morning.

What time did her royal highness arrive? In the afternoon.

What kind of weather was it? Bad weather, rain and wind.

Who were the servants that breakfasted together at Naples? In the steward's room, there were all the upper servants, Pergami, me, Hieronimus, Mademoiselle Demont, and Barber, Lady Elizabeth's servant.

Will you undertake to swear that Pergami breakfasted at Naples in that room regularly? Mostly with us, for he was very fond of meat,

and used to go into the coffee-room, what we called the office, and have some meat for his luncheon or breakfast, he did not like tea; they do not take breakfasts in Italy, not tea, not one out of a thousand.

When you say they do not take breakfast, do you mean they do not take tea for breakfast? No; they take it later, and make a meal of it.

When you were talking of the ball at Naples, you closed the ball with your Turkish dress? I, personally.

Not you personally, but that was the last dress you had? I had but one dress.

Was it the last dress her royal highness had? I do not know which was the the last dress. I cannot say how many more she had after that, two I saw.

You have spoken of the dress of the peasant, and the dress of the Turkish lady, was the dress of the Turkish lady the last? I believe the peasant was the first, and the Turkish the second.

Did several persons call upon her royal highness on the morning after her arrival at Naples? For several days, several persons of distinction paid their visits.

Do you remember particularly the morning after her arrival? Of course, particularly, at first there were numbers.

Were they kept waiting by her royal highness, or did she appear at first? That I cannot tell exactly, for I did not wait in the drawing-room, I was not page.

Do you recollect going in quest of her royal highness, in consequence of persons being waiting there for her appearance? I cannot charge my memory with that; it might have been so, for it has happened in this country more than once.

You have no recollection of the circumstance on the first day after her arrival? No, not at Naples, I have not.

Have you any recollection of such a circumstance having happened on the second day after her arrival? No, not at Naples at all; I know it has happened at Blackheath once or twice, when I have been up-stairs.

Pergami rode as courier to Naples, what was his duty after he got to Naples? He was obliged to attend afterwards as a page, waiting in the drawing-room, carrying breakfast up, and waiting at table.

Did he share that duty with Hieronimus? Yes.

Was Hieronimus also courier? He had been on the road, but as soon as he came to Naples, he acted as page.

When you speak of her royal highness taking your arm, that was when there were any impediments or steps, or any difficulty of that kind? Yes, in that way.

Or touching you in conversation? Yes, by chance.

You do not mean to say or insinuate that there was any thing further than that? No; God forbid.

As far as you recollect, is this plan (*the plan being again shewn to the witness*) correct, with the single exception of there being some subdivisions there? I cannot decide upon it, because I have not sufficiently taken notice of those rooms to be positive of it, for I never dreamt of such a thing happening.

When was the pension granted to you? No pension was granted to me, it was my salary.

The continuance of your salary? Yes, I had 300*l.* first, and her royal highness was gracious enough to give me 100*l.* a year more, for acting in the place of Mr. Hoper, as her homme d'affaires, when I came to England.

When was that 100*l.* a year added? About three or four years ago.

Have you been out on the continent for the purpose of bringing witnesses to this country? I had a letter from her majesty to Carlsruhe

Did you bring any witnesses to this country? No.

You went out you say for the purpose of communicating intelligence of the death of the king? Yes.

Where did you see the queen at that time? I waited for the queen's arrival at Leghorn.

RE-EXAMINED BY THE ATTORNEY-GENERAL OF THE QUEEN.

Do you recollect in the passage that you mention in which her royal highness's room, and those of the rest of her suite were, whether there was a water-closet there? There was a small place used for that purpose, not an English water-closet.

To whom did you take the letter to Carlsruhe the other day? I carried it to the agent that was sent out, and he kept it, Mr. Leman.

Do you mean that it was a letter to him, or to any other person? It was directed to the great chamberlain, a letter from the queen, the seal was her majesty's, directed to the great chamberlain.

EXAMINED BY THE LORDS.

When Pergami was first taken into the Princess of Wales's service, were you desired to make any inquiries into his character? None, because the Marquis of Ghisiliari recommended him for the whole.

Did you consider that sufficient? I thought so at the time, he was only engaged as far as Naples.

Did it occur to you to make any observation upon his manner? Not in an uncommon way.

In the common way? I saw his behaviour always was proper.

Did he appear superior to the situation in which he was hired? He was not quite so chatty as the Italians in general were; but I believe he behaved very properly, so far as I saw.

Is the single circumstance of his not being so chatty as common Italians were, the only circumstance that distinguished him from other couriers? His behaviour in general; I was never acquainted with any couriers in general, but he behaved very well, in my opinion.

Did he appear to be superior to persons in his situation? Not particularly; he behaved very properly in his situation, civil, and obliging, and attentive to his duty.

Did you consider him too much of a gentleman to act in the situation of a courier? Not exactly so: he never shewed himself in that way, he never refused to do any thing that he was told.

Did you consider that his manners were rather those of a gentleman than of a courier? He might have been rather more of a gentleman than of the lower sort.

Where did W. Austin sleep on the journey to Naples? In different rooms, mostly in the same room with the queen.

Was it the usual custom for W. Austin to sleep in the princess's room? On the journey.

Did you receive an order for the alteration of that? None.

In point of fact, did W. Austin sleep less frequently on the journey to Naples in the Princess of Wales's room, than he had slept before you went to Italy? As far as I can recollect, on the journey to Naples he always slept there, but I believe at Naples an alteration took place.

You have spoken of a room in which you understood a servant was to sleep while Pergami was ill, do you recollect whether there was or was not a fire-place in that room? I cannot charge my memory to that.

You have said that you engaged Pergami for her royal highness's service without having had any previous communication upon the subject with her royal highness? I did.

Were you in the habit of engaging all the servants for her royal highness's family? I was.

Were you in the habit of engaging them all alike, as you did Pergami, without any communication with her royal highness? That was an exception on the journey; he was only engaged as far as Naples.

Was there any other servant engaged in her royal highness's family at Naples, except Pergami himself? Yes, there was Theodore Majocchi.

Mention any servant who was engaged in her royal highness's service besides Pergami and Majocchi, while you were at Naples? There were several inferior servants, confectioners' men, but their names I cannot recollect.

Was there a sister of Pergami engaged in her royal highness's service while she was at Naples, Faustina? None of the family; none but Pergami was engaged in the Princess's service while I was there.

You quitted the service at Naples, and did not return to it again till you went over after the king's death, to announce it to her majesty? Just so.

In what situation at that time did you leave Pergami; was he a servant at that time, or had he begun to be taken up as a gentleman? Page; he was made valet de chambre and courier.

Having hired Pergami as a servant, you left him as a servant on your quitting her royal highness's service? I did.

You have mentioned the great condescension of her royal highness to all her servants; you were 21 years in the service? I was.

During that 21 years, was there any person who had been hired as a servant to her royal highness, who was to your knowledge admitted to her royal highness's table? Not to my knowledge.

You are understood to have stated, that upon the arrival of her royal highness at Naples, the first apartment allotted to Pergami was over the apartment of Lady Elizabeth Forbes? It was.

Was Lady Elizabeth's apartment in the same part of the house with your own? Nearly so,—in the same wing.

Was there any apartment between that of Lady Elizabeth and yours? A large passage-room, a corridor.

You spoke of the breakfast of the upper servants; can you recollect at what hour the greater part of the upper servants were assembled at their breakfast? About 10 o'clock.

The servants who did not come to that breakfast, but who preferred eating meat, did they eat it about the same time, or later? Sometimes later, sometimes the same time; 11 or so.

Eleven or 12? Between 11 and 12.

At what hour did Pergami attend the breakfast? Ten o'clock, mostly.

You have said that till the time of getting to Naples, Wm. Austin usually slept in the Princess of Wales's apartment? Yes.

At Naples some change took place in that respect? Yes.

You say that you went forward to prepare the apartments? Yes.

Did you allot the apartments to the different members of the suite? I did.

Did you allot an apartment to W. Austin? No.

Where did you allot a place or bed for him to sleep? His own bed he slept in, was with us.

Where did you, in the arrangement you made with the rooms, calculate for him to sleep? In the princess's room, as he used to do.

Did you receive an order to make a change in that respect? Not then; no orders whatever; the princess afterwards appointed it.

To your knowledge, did W. Austin sleep in the princess's room? Yes, at first.

How soon after you got to Naples did Wm. Austin change from the princess's room to another room? The days I cannot recollect; but her royal highness spoke to me, that he was too old now, and he should have a room to himself.

You do not remember how soon after your arrival that was? No, I cannot.

Was it soon after your arrival? I should think about a week or so.

Did W. Austin on any former occasion, to your knowledge, sleep in any room but the queen's; not at Naples, but on the journey? I cannot recollect that he did.

Subsequent to leaving Brunswick? I cannot recollect.

How long were you in her royal highness's suite, or rather in her household, after she left this country in 1814? Until the 15th of February, 1815, when I left Naples.

When did you again see her royal highness? At Leghorn, when I had the melancholy news to carry out.

Did you ever see any impropriety, according to your opinion, or familiarity, between her royal highness and Pergami? Never, never; I am positive not in my presence.

You have mentioned, that you were sent from this country with a despatch, for the information of her majesty, of the late king's death? I was.

By whom were you sent with that despatch; by his present majesty's government, or any other person? By her majesty's legal advisers.

Do you know whether any other courier or person came from his majesty's government with the same information? Not to my knowledge.

Can you state, from your knowledge, whether at Naples the Princess of Wales breakfasted alone with Pergami? Never, never to my knowledge.

Is it probable that such a circumstance could have occurred, without your having known it? It might have been, but I do not believe it.

Did Pergami eat and drink with other livery servants? At the steward's room, the upper servants', there were two tables; the livery servants dined below.

Did you ever know any other person that ate and drank at the steward's room, permitted to dine at the princess's table? Not to my recollection.

At what hour did the princess usually breakfast at Naples? According—no regular hour; 11, 12, or 1.

Do you recollect the princess, the night after you went to Naples, going to the opera? I recollect her royal highness going to the opera.

Do you recollect at what hour she came home? I do not, for I had no business to wait.

You say you hired Pergami at Milan? I did.

What wages was he to receive? He had at first 40 louis d'ors, and at Naples it was fixed at 50.

Do you remember when you first saw him? Yes, I do.

Where was it? In the inn, when he was sent to me by the Marquis Ghisiliari.

You had not seen him in the inn before that time? No, I had not.

How was he dressed? He had a scarlet waistcoat on, laced with gold, and a blue surtout coat, and pantaloons and boots.

When you hired him, did you understand whether he was a married or an unmarried man? No, I never inquired about that.

Did you know, before you left Naples, that he was a married man? No.

Was that known in the family at all? No

You knew nothing when you left Naples of his having a child? No, not even that.

You had not heard of Victorine? No.

Was it you that proposed to the princess that you should come to England, or did her royal highness order you to come to England? I pointed out the necessity, about different things that wanted arrangement in this country, that it would be necessary to come about the sale by auction of the furniture, and a number of bills unpaid.

When you pointed out that necessity, had you in your view to return, having paid those bills? Her royal highness made me promise that I should return, and bring my family; on those conditions she would let me go.

How came you to stay? Afterwards her royal highness travelled about, and she said she would inform me when she should want me.

Do you remember whether her royal highness informed you, that she should not want you to return immediately? Before I left Naples a long while; two months before, three months before, we fixed it for that period.

You had had no communication subsequently, directing you to remain in England? No, none at all; I expected to go out with my family as I mentioned.

You then waited for orders that you never received? No, I was to be prepared.

Did you wait the three years in a state of preparation without orders? I was so far prepared that I was ready to go at a moment's warning.

If you are understood in your description of the house at Naples, a person wishing to go from the apartment of the princess to Pergami's room might do so by going through a passage, and then through a small cabinet, and then to Pergami's room? As far as I can recollect, that is exactly the case.

If a person wishes to go from the apartment of the princess to Pergami's room, was there any other way by which a person might go, except that which has been mentioned? The passage and the room.

Was there any other way by which a person could go? No other way; there was a door from the garden.

Was there any other way by which a person could go from the apartment of the princess to the room of Pergami, except by going into the garden, and entering Pergami's room by the door which led into the garden? There were two ways to go, through the passage, and through the little rooms.

How many doors were there in the room in which Pergami slept? There were two, to my recollection.

Do you mean to include the door into the garden? No.

There were two doors, besides the door into the garden? Yes.

One of those doors opened into a small cabinet, is that so? Exactly so.

Into what room or passage did that door open? Adjoining that to the public passage.

You state that there were three rooms to Pergami's room, one of those doors opening into the garden? Not from the room, but joining the room.

Was there any door leading directly from off Pergami's room into the garden, without passing through the passage or intermediate room? No; you must go into the little cabinet, as far as I recollect, into the little passage room.

By that do you mean the room in which you understood a servant slept, when Pergami was ill? That or the other, because I never saw a man sleep there, neither did I know whether he had done so.

Were there two doors in the small cabinet, in which you state you understood that servant to have slept? Only one to my recollection.

Were there not two ways by which a person could go from Pergami's room to that of the princess, one by a public passage, another by a smaller passage and the cabinet? Yes, that is exactly the case.

Can you state the distance between the two rooms, or nearly? I should think, the breadth of your lordship's house, or further.

If a person had gone from Pergami's room to the princess's by the public passage, must he not have passed by the doors of the rooms in which Dr. Holland and other members of the suite slept? Yes.

If a person had gone to Pergami's apartment by the other passage, would not that person have reached Pergami's apartment without passing by any door of any room in which any other person slept? Yes.

Had you no opportunity of observing the manners and appearance of other couriers whom you met in the course of your various journeys with her royal highness? I never associated with any of them.

Did you never observe them? Not particularly.

In a former answer, you stated that you considered the manners of Pergami superior to those of the lower class of couriers? Of servants.

Do you recollect the names of the various persons whom you found in the suite of her royal highness upon joining her at Leghorn? Not one of them, except Hieronimus, the old servant.

The following question was put at the request of the Attorney-General of the queen:—

You have mentioned two ways of going from the room of the princess to that of Pergami, were there any doors to the intervening rooms in the passage to which you at first referred? There were two from the passage.

Do you mean the public passage you have already spoken of? Yes.

Have you not observed, since you entered her royal highness's service, that her royal highness was peculiarly fond of young children? Very much so.

The witness was directed to withdraw, and the house adjourned

———

TWENTY-SEVENTH DAY, MONDAY, OCT. 9.

The order of the day being read, counsel were called in.

TWELFTH WITNESS.

Henry Holland, M.D., examined by Mr. Wilde.

Did you leave England as physician to her royal highness in the year 1814? I did.

Did you proceed to Naples with her royal highness? I did.

Did you remain the whole period of her royal highness's stay at Naples? I did.

What description of visitors did her royal highness receive at Naples? With a very few exceptions, she received all the principal nobility, both English and Neapolitan.

Where did you go to after you left Naples? To Rome, and subsequently to Genoa.

Were you on board the Clorinde with her royal highness? I was.

What description of visitors did her royal highness receive at Genoa? All the English that were at Genoa.

Did you ever, during the period you were with her royal highness, observe that her royal highness avoided the English? I did not.

What was the situation of the house occupied by her royal highness, at Genoa, as to its publicity? The house her royal highness occupied at Genoa was about half a mile distant from the town, but in a part of the suburb very thickly inhabited.

Did you know a person of the name of Pergami, in her royal highness's service? I did.

Did he at any time dine with her royal highness, during her stay at Genoa, at her table? He did not.

During the period that you were with her royal highness at the places you have mentioned, what was her royal highness's conduct towards Pergami? Always that of a mistress to a servant.

What was the conduct of Pergami towards her royal highness? I never saw it otherwise than unpresuming and respectful.

Was there any understanding as to the period during which you were to stay with her royal highness, previous to her leaving England? It was generally understood between us, that I was to remain in her royal highness's service a year and a half or two years.

At what place did you quit her royal highness's household? At Venice.

Had there been any conversation as to your quitting her royal highness's service, before your arrival at Venice? There had at Milan.

At what suggestion was it that you went on to Venice? At my own suggestion.

When you left her royal highness at Venice, did you then finally quit her service, or was it understood you were to return? It was understood I was to return.

Did you leave any of the articles belonging to you in her royal highness's house with an intention of returning? I did.

What was the occasion of your leaving her royal highness at Venice, and coming to England? At Milan her royal highness had suggested to me, that, if I desired it, I might have an opportunity of six weeks' absence to make a tour in Switzerland; in consequence of this, I

T. WILDE ESQ^R.

One of Her Majesty's Counsel.

Sketched by A. Wivell & *Engraved by* T. Wright.

London, Published by Thos. Kelly, *17, Paternoster Row 7th April, 1821*

expressed my own wish at this period, that, instead of going to Switzerland, her royal highness would allow me a short additional absence, from my wish to go to England on account of private affairs; to this her royal highness assented, and then it became merely a question, whether I should go forward to Venice, or go immediately from Milan.

You have mentioned that her royal highness received all the principal nobility at Genoa who happened to be there; do you recollect the name of any of the English nobility who visited her there? Lord and Lady William Bentinck, Lord Exmouth, Lord Malpas; generally, all the superior officers who were attached to the army at Genoa.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

Did you go from England with her royal highness? I did.

Do you remember, when you were at Genoa, Pergami meeting with any accident? I do not.

At Naples? I do.

Was he in consequence of that confined to his bed for any time? He was, during three or four days.

Do you know who was the servant who attended him during that time? Majocchi.

Did not Majocchi during that time sleep in a small cabinet adjoining the room occupied by Pergami? I am not aware where Majocchi slept.

Do you remember that there was a sofa in that cabinet? I do not.

Are you to be understood by that, that you do not remember one way or the other whether there was or was not? I do not recollect one way or the other.

With respect to the situation of her royal highness's house at Genoa, you state that it was in the suburbs, but that the suburbs were populous; was it not within a court, and surrounded by a garden, or a garden extending through the whole of the back of the building? There was a small garden in front of the house, and a terrace garden with a wood behind the house.

Were you in the habit of dining every day with her royal highness at Naples and at Genoa? At Genoa every day, at Naples not.

Do you remember being at the masquerade at Naples, or the masked ball at Naples, that was given to the Neapolitan king? I was not there.

Were you ever at a masquerade at the theatre San Carlos when her royal highness was there? I was.

With whom did her royal highness go there? I was not aware till the following morning that her royal highness had been there.

Did you remain there during the whole, or nearly the whole of the performance? Only about an hour as far as I can recollect; certainly a short time.

Are you to be understood that you do not know with whom her royal highness went to the theatre that evening? I do not.

You have stated that, as far as you observed, the conduct of her royal highness towards Pergami was the conduct of a mistress towards a servant; have you upon any occasion ever observed any impropriety of conduct in her royal highness towards Pergami; or have you ever stated that you had made any such observation? I never did observe any impropriety.

Are you acquainted with a minister at York? I am.

Having reminded you of that circumstance, will you allow me to

ask, whether you have ever stated to any person, that you disapproved of the conduct of her royal highness with respect to Pergami? I never have.

Have you ever informed any person whatever, that you did not think the conduct of her royal highness correct, or any thing whatever to that effect? I have not.

You are asked that, not merely with reference to the individual mentioned, Pergami, but whether you have made any observation to any individual whatever with respect to the conduct of her royal highness, derogatory to that conduct? I am so satisfied of the negative, that I can venture to swear it.

Have you always entertained the same opinion, since you have had an opportunity of observing her royal highness, with respect to her conduct? I feel it quite impossible to describe, to my own recollection, the fluctuations of opinion I may have had; but this I am satisfied of, that I recollect no change whatsoever of opinion.

Did you ever state, or did you ever inform any individual whatever, that the conduct of her royal highness was such that no person who had a regard to his character could continue in her service, or any thing to that effect? I am satisfied I have not.

Did your duty lead you to be much about the person of her royal highness? Very little.

You were engaged then in your own pursuits, your own studies principally? Inasmuch as they did not interfere with my professional duties to her royal highness and her suite.

At Naples particularly, you were understood to state, that you were much engaged yourself? Not more at Naples than elsewhere during my absence from England.

You were understood to say, you did not very frequently dine with her royal highness at Naples? I did say so, or rather I said, that I did not always dine with her royal highness at Naples, and always did at Genoa.

Was not the principal opportunity which you had of observing her royal highness, that which was afforded at the time when you dined? It was.

Except when you were required professionally to attend her royal highness, you did not attend her either in the forenoon or in the evening, but merely attended for the purpose of dining? Except when her royal highness saw society in the evening, I did not.

During those occasions, when you did dine, Pergami acted as waiter at the table? He did, both at Naples and at Genoa.

How long were you at Milan before you proceeded to Venice? I believe exactly a fortnight.

Do you remember, during the time of your residence at Genoa, any individuals belonging to the family of Pergami joining her royal highness? I do.

His sister Faustina? I was not aware that any person of that name entered into the service of her royal highness.

Was there a little child that came of the name of Victorine? There was a little child came, whose name I did not know.

Was there a female came with that child? I saw an elderly person, whom I believed to be the mother of Pergami.

The only female whom you recollect as having come with that child, and having entered the service at Genoa, was the person so described as the mother of Pergami? I do not recollect any other, but it is perfectly possible.

Do you remember a person of the name of Louis Pergami entering the service? I do.

In what capacity did he enter? I am not aware.

Did you see him wait as a servant at table? I did.

Did he wear a livery? He did.

About what period of your residence at Genoa was it that Louis Pergami entered into the service of her royal highness? I do not recollect.

Was it towards the beginning or towards the latter end, as far as you recollect? As far as I recollect, towards the beginning.

How long did Lady Charlotte Campbell continue with you at Milan? Till within three or four days of her royal highness's departure from Milan.

After she left, was there any lady in the service except Madame Oldi? There was not.

How soon after Lady Charlotte Campbell left, did Madame Oldi enter? As far as I recollect, two days afterwards.

You did not travel in the same carriage with her royal highness? I did not; I have occasionally done so, but rarely.

The question refers to the journey from Milan to Venice? I did not.

When Madame Oldi first came into the service at Milan, were you aware that she was the sister of Pergami? I was not.

How long was it afterwards before you knew that she was the sister of Pergami? I did not know it while in attendance upon her royal highness.

What period of time elapsed after Madame Oldi came into the service, before you ceased to be in attendance upon her royal highness? About eight days.

When you arrived at Venice, at what hotel did you lodge? At the Gran Brettagna.

Did her royal highness continue there during the whole period of her residence at Venice? She did not.

How long did she remain there? I rather think, in the hotel itself, but one night.

Where did she go to then? To a house immediately adjoining the hotel, and, I believe, belonging to it.

Was Mr. William Burrell of your party? He was.

Did you and Mr. William Burrell go to the house with her royal highness, or did you remain in the hotel? We remained in the hotel.

Did you dine with her royal highness at the house to which she removed, or did you dine in the hotel? We dined in the house to which she removed, with her royal highness?

Do you happen to recollect whether you dined with her every day during your residence at Venice? I believe every day.

Did her royal highness quit Venice before you did, or did you go first? I went first.

Did you ever afterwards rejoin her royal highness? Never.

Do you know whether Madame Oldi could speak French? I do not know.

Did you ever hear her speak French? I always conversed in Italian with her.

RE-EXAMINED BY MR. WILDE.

You have been asked whether the house which her royal highness oc-

cupied at Genoa was in a garden; was it in a conspicuous situation, or a private situation? In a conspicuous situation.

Was it a particularly conspicuous situation? The house was raised upon a terrace.

Was it conveniently situated for receiving visitors from Genoa. I believe it was.

You have stated when you returned to England; have you remained in England ever since? No, I have not.

How long have you been in England since you quitted her royal highness's service? I have been three or four times absent from England during that interval, which interval is nearly six years.

Have you generally resided in England during that period? I have; my absences were always for a very short period.

Have you been practising as a physician in England? I have during the last five years in London.

Have you ever been examined by any one during that period respecting the conduct of her royal highness? Never.

Has any person asked you to be examined during that period? Never.

EXAMINED BY THE LORDS.

Lord Erskine.—Referring to the whole time, and to all the places in which you have stated you were attending upon her royal highness, did you ever observe any indecent, immodest, or improper behaviour in her royal highness? I did not.

Earl Grey.—Have you at any time observed, on the part of her royal highness, any conduct calculated to bring disgrace upon the character of this country? I believe I can answer decidedly not.

You were understood to state, that you never have been examined upon this subject, previous to the charge being brought against her majesty before parliament; was any application made to you by any person for information respecting her majesty's conduct during the time you were in her service? No application whatsoever.

Earl of Lauderdale.—Did you attend Pergami during his short illness at Naples? I did.

How did you go into his room, by what door? I went in by the passage which communicated at right angles with the passage in which my bed-room was.

Then you had no occasion to pass through that cabinet which you say was adjacent to the room of Pergami? As far as I recollect I passed through no cabinet in going from Pergami's room to mine.

In going from your room to Pergami's, you entered the corner of the grand corridor, and then into a little passage, and then into Pergami's room? I did.

Do you recollect the dress in which Pergami waited at her royal highness's table at Naples? I do not.

You have said that you do not recollect any female of the name of Faustina in her royal highness's service at Genoa; do you recollect any female who resided in the house arriving at Genoa about the time of the mother of Pergami and the little child Victorine? My recollections are extremely indistinct upon the subject, and I do not at this moment recollect any such female, but it is very possible that there might have been.

Do you know the room in which her royal highness slept at Genoa? I do not.

Adjacent to the room in which you slept, was there not a room in which Hieronimus slept at Naples? There was.

Next to that room was there not a room in which William Austin slept? There was.

Was there a passage out of that great corridor before you went into the little passage that led you to Pergami's room, was there an entry to the dining-room? The only entry from the great corridor to the dining-room was through the small passage in which the door of my room was placed, as far as I recollect.

Then the door of the dining-room, by which you could get into that great corridor, was directly opposite to the door of your room, was it not? No; in passing from the dining-room into the great corridor the door of my bed-room was on the right hand.

Where did that passage, that went out of the great corridor towards your room go afterwards? To the dining-room, it there terminated.

It did not go past the door of the dining-room, but ended there? It went into the dining-room.

Lord Grantham.—A former witness has stated, that upon the same floor where the princess's room and yours and Pergami's rooms were, there was a place used as a water-closet; do you recollect that place? I do not.

A Peer.—Did you ever see her royal highness and Pergami together after Pergami was raised to the rank of chamberlain? I never did.

Earl of Lauderdale.—Do you know whether there was a cabinet adjoining to Pergami's room? From my recollection, opposite to the door of Pergami's room, there was a door into a small room, which may be called a cabinet or not.

Earl of Kingston.—Do you, of your own knowledge, know any thing of the queen for the last six years? I believe the time since I quitted her royal highness's service was five years exactly in June last.

Lord Rous.—To whom did you dedicate the book of travels which you have published? There was no dedication.

Have you never said that you intended to have dedicated that book to the princess? I have not the slightest recollection that I ever said so.

Will you now say, on your oath, that you never said so? I can only say to the best of my recollection, that I never have said so.

Can you say positively that you never said so? I do not recollect having ever entertained an idea of such dedication.

When the Countess of Oldi joined the princess's party, was she introduced to you? She was, as far as I recollect, by her royal highness.

What did her royal highness say upon that occasion? I cannot take upon myself to recollect; I believe nothing more than announcing her name, and that the Countess of Oldi would accompany her royal highness to Venice; I recollect nothing more of the circumstance.

Did the princess speak Italian? She spoke it but imperfectly during my stay with her royal highness.

Did she state how she became acquainted with the Countess Oldi? She did not.

Did you not ask who the Countess Oldi was? I do not recollect that I did, it might be.

Earl of Roseberry.—Do you recollect the princess coming into Pergami's bed-room at the time you were dressing his foot during his illness? Certainly she did not.

Do you recollect the princess coming into Pergami's bed-room during any part of that illness? To my knowledge, never.

Lord Redesdale.—Did you ever attend any others of the princess's suite at Naples during your stay there, besides Pergami? I did.

Who were they? I recollect an attendance on Hieronimus: I have attended her chamberlains during their stay at Naples.

Was there not a garden or terrace attached to the house at Naples? There was a garden.

Did you ever see the princess and Pergami walking in that garden? Never.

Did you ever see the princess and Pergami walking in the garden at Genoa? Never.

Did you ever see the princess riding on a donkey or a jack-ass there, with Pergami attending? Never; I know that she did ride in the garden, but I never saw her.

Earl of Liverpool.—When the Princess of Wales introduced the Countess Oldi to you, did she introduce her or not as Pergami's sister? She did not.

What length of time was there from the time that she introduced the Countess Oldi to you, till the time of your leaving Venice? I believe about eight days.

Are you to be understood, that at the time you left her royal highness at Venice, you did not know the Countess Oldi to be Pergami's sister? I believe I did not.

Lord Dynevor.—In what language did the Princess of Wales and Madame Oldi converse? As far as I can recollect the circumstance, the princess spoke some words of Italian; whether the Countess of Oldi spoke French or not, I do not know.

You have stated, that during your stay at Genoa, you dined almost every day with the princess? Almost every day.

During that time, did Pergami ever sit down to dinner? Never.

Did you dine every day with the princess? I believe every day; I may perhaps be allowed to remark, that I was absent on two or three short excursions from Genoa, one of which detained me two days.

Earl of Harrowby.—Did you ever hear the princess and the Countess Oldi converse together in French? I do not recollect it.

Did you ever hear the Countess Oldi speak French at all? I do not recollect; I always conversed myself with her in Italian.

What kind of Italian did the Countess Oldi speak? It appeared to me very much the Italian spoken in Lombardy.

Is that the Italian spoken by persons of fashion and education? I have observed it to be spoken by persons of fashion and education when conversing with each other; but almost all such persons of fashion and education are capable of speaking the purer Italian.

Did you ever hear the Countess Oldi speak the pure Italian? I find it very difficult to say, on recollection, whether it was so or not.

Was conversation in the dialect of Lombardy easy intelligible to a person who knew Italian from books only? I can only say, from recollection, that I did not find any difficulty in conversing with the Countess Oldi; my recollection will not carry me beyond that.

Was that language easily intelligible to a person who had a very imperfect acquaintance with Italian? To that question I find it difficult to give an answer; I may remark that I had very few opportunities of conversing with the Countess Oldi.

Lord Auckland.—Did the language of Countess Oldi differ more from

pure Italian than the English language spoken by some Scotch persons of education and family differ from pure English? I find it impossible, from the small recollection I have, to answer that question.

Lord Chancellor.—Did Pergami ever dine at her royal highness's table when you dined there? Never.

Lord Calthorpe.—Do you recollect her royal highness ever, upon any occasion, having expressed herself dissatisfied with the situation of her house at Genoa? I do not remember her royal highness having made such expression; but I do recollect her royal highness at one time going to see another house in the neighbourhood of Genoa, which I understood for the moment she thought of taking She did not take it.

Did you hear any reason assigned by her royal highness for wishing to change her residence? I recollect that a reason was assigned, but whether by her royal highness I do not recollect; that she wished to have a situation where there was greater tranquillity; but I do not recollect that that reason came from her royal highness herself.

Was then the situation in which the house that she occupied at Genoa stood peculiarly subject to interruption of any kind, that might have rendered it annoying? I am not aware that it was.

You were understood to state, that during the whole time in which you were in her royal highness's service Pergami occupied the situation of a menial servant? He did.

Do you recollect at any time, or under any circumstances, her royal highness conducting herself towards Pergami in a manner that you could consider at all inconsistent with the relation in which a Princess of Wales ought to stand towards a menial servant? I must remark, in answer to that question, that her royal highness's demeanour towards all her servants was extremely familiar. I should say at once, that I never observed any difference between her manners to Pergami and her manners to any other of her servants; I may be perhaps allowed to add to that, to her principal servants.

Then you are correctly understood as intimating that the degree of affability that her royal highness shewed towards Pergami, was fully to be accounted for by that kindness and condescension which she generally shewed to all her upper servants? I have never observed myself any difference in the degree of kindness or familiarity to him in preference to the other principal servants.

At what period did you join the service of her royal highness? When her royal highness left England, in August 1814.

How long did you remain in her service? Exactly ten months, from August, 1814, to June, 1815; my service and my salary from her royal highness did not cease in June, 1815.

Did you consider Pergami as an upper servant in her royal highness's suite? As an upper servant.

Lord Chancellor.—Did any of those principal servants, whom you have recently mentioned, dine at the queen's table? None.

The following questions were put, at the request of the Attorney-General of the queen:—

Has your salary ceased since the time referred to? It has.

When? Fifteen months exactly from the time I entered into her royal highness's service.

Had you any pension after retiring from her royal highness's service? None whatever.

THIRTEETH WITNESS.

Charles Mills, Esquire, examined by the Solicitor-General of the queen.

You generally reside at Rome? I do.

Did you reside there in the summer of 1817? I did.

Have you had the honour of seeing the Princess of Wales there? I called upon her royal highness the day after her arrival.

Do you know how long she remained at Rome? I remained there myself but twelve days, therefore I cannot tell how long she remained at that period.

You left it before her royal highness? I did.

Had you the honour of her royal highness's acquaintance before that period? I had.

During the twelve days you have spoken of, were you repeatedly at her royal highness's house or hotel? I dined at the Gran d'Europa most days while her royal highness remained there.

With her royal highness? Yes, with her royal highness.

Can you inform the house, whether at that time she was visited by persons of high rank? She was.

Will you mention some of their names? The persons that I saw at her royal highness's table were but few, the Baroness Ancajanni, who was appointed by the government to attend her royal highness.

Was any other lady of rank appointed by the government to attend her royal highness. The Duchess Zagarolla.

Was she attended by a guard of honour also? She was, and had all other marks of distinction prepared for her, such as a box to see the ceremony of the Corpus Domini, the same as other royal personages who were then resident at Rome.

You have mentioned the two ladies appointed to attend upon her royal highness, as having dined with her; do you recollect whether other persons of rank, of either sex, dined with her also? I remember Lord Kilworth to have dined with her; the Abbé Taylor was her constant guest.

Did any of their eminences dine there? I never saw them.

At other times besides dinner did persons of rank pay their respects to her royal highness, and attend her parties? Her parties had not commenced while she remained at the Gran d'Europa, but persons of rank came to pay their evening visits.

Was Pergami at that time her royal highness's chamberlain? He was.

Did he in that character dine at her royal highness's table? He did.

Have you often seen her royal highness and her chamberlain Pergami in company together. Frequently.

Did you ever see the smallest impropriety of conduct between those two individuals? Never.

Does that answer apply to the period of her royal highness being at Rome when you were there, and to other times also at which you may have seen her? Perfectly.

Did you pay your respects to her royal highness at Pesaro in the year 1819? On my return from Venice, I called at her royal highness's villa at Pesaro.

How long did you remain there? I remained there two days; her royal highness was out airing when I called, but, on her return, she sent

ner carriage, with one of her equerries and William Austin, to desire that I would come to her house that evening.

And you went? I did.

How long did you remain on that visit? I arrived at her house about seven or eight o'clock, perhaps; I remained there the evening, supped, and returned to the inn.

Did you pay your respects to her royal highness on the following day? Her royal highness sent her carriage and her equerry to shew me whatever was worth seeing in the town of Pesaro.

Did you afterwards wait upon her royal highness at her villa? I returned there to dinner.

Did you spend the evening in company with her royal highness? After having walked with her royal highness about the grounds, I remained about an hour, and then proceeded on my journey, as I wished to go as far as the fair of Sinigaglia, it being the last day of the fair.

Had you the honour of paying your respects to her majesty after she became the Queen of England? I was at Rome when her majesty arrived there.

When was that? In 1820.

State the month, and, if possible, the day of the month? I hardly know the month, it might be February; her majesty had received an account of the king's death.

Had she assumed the title and dignity of Queen of England? She had.

Had she two ladies of honour then appointed to attend her? She had not.

Was any guard of honour in attendance at her hotel? There was none.

Nevertheless, did persons of rank, both of Rome and England, do themselves the honour to pay their respects to her majesty? Several.

Have the goodness to name them? The Countess ———; I speak of those who wrote their names in her majesty's book.

Did you see them do so? I saw the book.

What persons of rank did you see attending at her majesty's hotel, or paying their respects there? I saw none; I only heard of it, and saw it in the book.

Do you know whether it was understood that the funeral of his late majesty had then taken place? I think it had.

Was Pergami chamberlain to her majesty in the year 1819, and in the year 1820 also? He was.

Was there any difference in the general appearance of her majesty's household between those three periods? None.

Did you ever see any thing in the conduct of those two parties towards each other, in the slightest degree, derogatory to the honour of the English empire, or likely to wound the moral feelings of this country? Never.

Independently of the conduct of her royal highness and of her majesty towards Pergami, did you in other respects ever perceive that her majesty conducted herself, either in public or in private, in any way to which a just exception could be taken? I never did.

At all the times at which you have seen her royal highness and Pergami together, did he treat her with the respect that was due to her exalted rank? I never saw him behave otherwise than with the utmost respect.

There was no degrading familiarity? None whatever,

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

Did Pergami dine at the table every time you dined with her royal highness at Rome? He did.

Where did he sit usually? He had no particular place that I can collect; I have seen him at various parts of the table.

You were understood to say, that besides seeing Pergami at table with her royal highness, you have seen her royal highness and Pergami other places in Rome? I saw them attending the Corpus Domini together; I saw Pergami in attendance upon her royal highness when they were at the ceremony of the Corpus Domini.

In what manner was he in attendance at that ceremony? As chamberlain.

Where was her royal highness? In a box prepared for her by the government.

Where was Pergami? Behind her royal highness.

Standing or sitting? When I saw him, he was standing.

Were there any other of her suite with her at the time? Several.

How many times did you dine with her royal highness at Rome? Upon the first occasion I dined with her three or four times, certainly.

Three or four times? Three or four times.

As many as three or four times? Quite as many.

You state, that besides the persons whose names you have enumerated, other persons of distinction called upon her royal highness at that time at Rome, in the year 1817; can you enumerate the names of any of those other persons? The ladies that were in attendance upon her were generally there, and many others of the Roman nobility, certainly, and the cardinals; I met the Cardinal Gonsalvi going up stairs as I came down one day.

If there were many other persons, probably you can have no difficulty in enumerating some of their names? I usually dined with her royal highness, and after dinner I quitted her; the persons usually came in the evening.

Were you there in the evening? Once or twice; her royal highness was lodged at the inn at this time; she had no established house at Rome.

When you say, that other persons of distinction visited her royal highness in the evening, are you speaking that from what you have heard, or from your own personal knowledge? From my own personal knowledge, the evening that I passed there.

Then the evening or evenings you were there, can you enumerate the names of any of those persons of distinction, besides those you have already mentioned? The evening I was there, I do not remember other names than those I have mentioned.

You have stated, that in the year 1819 you visited her royal highness at Pesaro, that when you called she was not at home, but that one of her equerries and Wm. Austin afterwards called upon you; who was that equerry? The Chevalier Vassali.

Did Pergami sup at Pesaro with her royal highness and yourself? He did.

Did he dine with you the following day? He did.

What other persons dined at Pesaro on that occasion? There were no persons but those of her royal highness's establishment.

Can you mention the names of the persons of her royal highness's establishment, who dined with you at Pesaro? Vassali, Pergami, the Countess Oldi, W. Austin; the names of two other persons who were at the table I was unacquainted with.

Was Louis Pergami one of those persons? I cannot say that he was, for I am not sure that I am acquainted with his person.

Of course, whether he was one of those two whom you dined with, you cannot say one way or the other? I cannot.

Are those occasions that you have mentioned, the opportunities you had of seeing her royal highness, at Rome, and Pesaro? They were.

And the only occasions? The only occasions.

RE-EXAMINED BY THE SOLICITOR-GENERAL OF THE QUEEN.

Had you the honour of being acquainted with her royal highness before she left England? I had.

EXAMINED BY THE LORDS.

A Peer.—Did you feel any objection to sitting down to table with Pergami? I cannot say that I did.

A Peer.—You are understood to have said you usually reside at Rome? I have said so.

When did you come last from Rome? I left Rome in the month of April last.

Did you then leave Rome, in consequence of receiving any intimation from hence that there was to be, or likely to be, a proceeding against the queen? Not at all; I came on my private affairs.

Earl of Liverpool.—In the year 1817, when you were in the habit of visiting her royal highness at Rome, did you see any English lady in her society? At the period of the year that her royal highness came to Rome, there were but few English. I do not remember to have seen any English lady.

Earl of Mansfield.—Do you know whether any application was made for a passport, to the government of Rome, by her majesty the Queen of England? I know that an application was made to the British consul for a passport.

Viscount Falmouth.—When you dined or supped in company with the Countess Oldi, were you introduced to her? I was introduced to her the first time I saw her.

Did you make any observation upon the manners of the Countess Oldi? Her manners were unobtrusive and natural, I should say.

Did you consider that they were the manners of an Italian lady? I did not consider them otherwise at all.

You considered that the Italian she spoke was good, was pure Italian? She spoke with the accent of Lombardy, as all persons from that country do, that I had ever conversed with.

You did not consider that the accent of Lombardy was indicative of any vulgarity? I did not.

Lord Ellenborough.—Was the language of the Countess Oldi grammatically correct? I am not able to answer that question; I do not consider myself as sufficiently versed in the Italian language to answer that question certainly.

Are you able to say whether the language spoken by the Countess Oldi was generally correct; did you ever observe any decided errors? I never did.

Is there not a difference in the dialect of Lombardy, as well as in the accent of Lombardy, from other Italian? I am not able correctly to answer that question; I have not lived sufficiently in the Milanese to answer that question.

On what occasion were you first introduced to the Countess Oldi? In 1817, when her royal highness arrived at Rome.

Earl Grey.—How long have you been in England? I arrived in May last.

Since your arrival in England, and previous to the charge being brought in parliament against the queen, was any application made to you for such information as you might have respecting her conduct when you had seen her in Italy? Never.

FOURTEENTH WITNESS.

Joseph Teuillé examined by Mr. Williams, through the Interpretation of Mr. Pinario.

Were you formerly colonel upon the staff of the Viceroy of Italy? Yes.

And afterwards upon the staff of France? Yes.

Are you a chevalier of the orders of the iron crown and the legion of honour? Yes.

Had you a brother who was a general of division? Yes.

Do you know Pergami? Yes.

Where did you first know him? I knew him filling the functions of quarter-master (mareschal de logis) in the first Italian regiment of hussars.

In what year was that? Towards the end of the year 1800 and the beginning of 1801; it was the eighth or ninth year of the French republic.

Was that brother, of whom you spoke just now, the general that commanded Pergami at that time? My brother, the general of brigade, commanded a brigade of cavalry, composed of two regiments, the first regiment of hussars, and a regiment of chasseurs.

Were you aid-de-camp to your brother? I was aid-de-camp to my brother, General Teuillé.

What was the conduct of Pergami at that time? The conduct of an inferior officer, non-commissioned officer, who has never done any thing to reproach himself with; in short, the conduct of a good soldier.

Was General Gallimberti acquainted with Pergami at that time? Yes, he was.

Did they come from the same part of the country? They are of the same country.

Did you ever see Pergami at either of the parties, either dinner or evening parties, of the general? No.

Did you continue acquainted with Pergami at that time, or was there some interval before you saw him again? A great deal of time intervened.

Did you ever see Pergami at the evening parties of the general? No, I did not see him; but I know that he went to the house of Monsieur Gallimberti.

As there was some interval, where did you see Pergami next; in what country, and at what time? On the frontiers of Spain.

In what year or years? It was either in the year 1808 or 1809; it was at the time when Marshal St. Cyr commanded the division of the French army which proceeded to Spain, but I cannot exactly say the time, but it was about that time.

In whose service was he at that time? He belonged to the household of Gen Pino, who commanded a division of the Italian army.

Do you know in what manner he was treated by Gen. Pino? With a great deal of confidence, because he was the person who had Gen. Pino's whole confidence.

Did you visit Gen. Pino yourself? I visited Gen. Pino when the business of the service required it.

Did you see Pergami on those occasions? I have seen him sometimes, not always.

Do you know, of your own knowledge, whether he occasionally dined with Gen. Pino at the general's parties? I cannot affirm that.

In what estimation was he held at that time by Gen. Pino and the officers; how was he received and treated by them? With the greatest confidence; as a man who enjoyed the whole confidence of a person in the situation of Gen. Pino.

In what esteem was he held by the officers? He was very well liked and esteemed as an honest man *(comme un honnête homme)*.

CROSS-EXAMINED BY MR. PARKE.

Did you know Pergami when he was in a prison at Lodi? I never heard any thing of it.

You say that he was in the household of Gen. Pino, was he not a servant in Gen. Pino's family? He was a confidential courier *(particulier)* of Gen. Pino, and intrusted with all his affairs, with all the affairs of his house.

(To the Interpreter.)—Is 'confidential' the proper translation of the word '*particulier*'? It has different meanings; it may mean confidential, or his private courier.

(To the Witness.)—What do you mean by the term 'particulier;' a private courier, or in what other sense do you use that word? He was a courier particularly attached to Gen. Pino, as a person of trust or confidence.

You did not see any thing of Pergami between the year 1808 or 1809, when you saw him in the service of Gen. Pino? No.

At what period in the year 1808 or 1809, was it you saw him in the service of Gen. Pino? I have already stated that I do not particularly recollect the year; it was when Gen. Pino's division was marching towards Barcelona.

Can you say at what time of the year it was? It was at the beginning of winter.

You cannot say whether that was the beginning of the winter of 1808 or 1809? I cannot precisely state the period; I know it was the beginning of winter.

How long had you an opportunity of seeing him in Gen. Pino's service? As a division does not always remain together, a brigade was detached from the rest of the division; that being the case, I cannot say exactly how long he remained where I was.

Was the army in march at the time you knew him? We were not actually in march, but we were about to move in order to pass the river Fluvia.

Did you see whether Pergami was in a courier's dress or not? Always in plain clothes.

Have you been in England before you were here this time? Never.

When did you come to London? I first came to London nearly six weeks ago, or a month and a half ago.

Have you remained in England ever since you came? The first time I remained in England 20 days.

Where did you go afterwards? To Paris, where I am established.

Did you remain at Paris, or did you go any where else? I never moved from Paris, for we cannot quit that place without leave from the general of division and the minister of war.

Were you at Beauvais when you went to Paris? In going to Paris I was with a messenger; the road to Paris is through Beauvais, but it so happens that that town is passed at night, because it is with a messenger who never stops.

You are understood to state, that you passed through Beauvais in the night-time? Yes, because the courier regularly passes through Beauvais in the night, and I left Calais with the courier, who goes on regularly without stopping.

Do you know a person of the name of Rossi? I have known several persons of the name of Rossi.

Do you know a person of the name of Rossi who comes from Lugano? I know a family of the name of Rossi who are of Lugano.

Did you see that person either at Beauvais or at Paris? I saw him once at Paris.

Was that when you were at Paris the last time? No, it was previously to my coming to England the first time.

How long ago is that? It was previously to my coming, it may be between two and a half and three months ago.

Had Rossi any persons with him that were coming from Lugano? I do not know.

Had he any persons with him at the time you saw him? He was alone, there was nobody with him.

Had you heard of the tumult that had occurred at Dover at that time? I read the account of it in the French papers.

Did you communicate that to Rossi? No, there was nothing mentioned of that.

At no time at Paris? I never spoke of it to him, because I saw him but once, and that was only for a quarter of an hour at the most.

That was the only time you saw him? It was the only time; and I only remained with him, perhaps, a quarter of an hour.

Who applied to you to come here? The queen, by a letter of her's.

EXAMINED BY THE LORDS.

Earl Cathcart.—At the time the first hussars were in the brigade commanded by your brother, what was the rank next above that of a private hussar? The first or lowest degree is the common hussar, then comes brigadier or corporal, then mareschal de logis, that is not the same thing as a quarter-master.

Do you mean that mareschal de logis is that which is most equivalent to what a serjeant is in the foot? It corresponds with the rank of serjeant in the infantry.

You are understood to have said, that you saw Pergami confidentially employed as a courier by Gen. Pino?

The following question and answer were read over to the witness.

"What do you mean by the term 'particulier;' a private courier, or in what other sense do you use that word? He was a courier particularly attached to Gen. Pino, as a person of trust or confidence."

Did you not understand Pergami at that time to be Gen. Pino's own servant? There is some difference; a particular courier, attached to a person of rank, is not looked upon as a servant, as a domestic, in Italy.

From whom did you understand that he received his salary? I know nothing of it, because I did not belong to the household of Gen. Pino; I was a superior officer there, and could not meddle with Gen. Pino's private affairs.

You did not understand that he was in the service of the public, or of any department of public service? I have twice stated that Pergami was attached as courier particulier to Gen. Pino; further I cannot tell, because I did not belong to the house of Gen. Pino; being a superior officer, I did not trouble myself with his private affairs.

FIFTEENTH WITNESS.

Carlo Forti examined by the Attorney-General of the Queen, through the interpretation of the Marchese di Spinetto.

Were you a courier in the service of her royal highness? I was.

When did you enter it? On her departure from Milan.

Do you recollect whether that was in the year 1817? Yes.

In whose service were you immediately before? Before I entered the service of her royal highness, I was in the service of the Viceroy of Italy.

What were you in the viceroy's service? As chief cabinet courier.

You have said, that you entered the princess's service at the time that she was going away from Milan, where was she then going? She was going to Rome.

Did you apply to be taken into her service? I did.

From what motive did you make that application? Because at that moment I was out of service.

You have stated, that the princess was going to Rome, have you ourself any relations there? Brothers.

Any other near relations? The Duchess of Torloma.

The wife of the banker there? Yes.

What relation is the duchess to you? She is my aunt.

On the journey from Milan to Rome, in what carriage did the princess travel? In a small English landaulet.

How many other carriages had her royal highness with her upon that occasion? Two more.

What sort of carriages were those two? One was a bastardella, and another was a caratella, or calash.

What sort of a carriage is a bastardella? It is a covered carriage, with four seats inside.

Was the landaulet of which you have spoken an English carriage? It was.

Was it a different looking carriage from the bastardella? Certainly.

Was that a carriage of a perfectly different appearance? Quite so.

Was it also perfectly different in appearance from the caratella? Certainly.

Had her royal highness any other carriages than those three with her upon her journey? No.

Upon that journey, in which of the three did her royal highness herself travel? In the landaulet.

Had the landaulet glasses, as is usual with such carriages? It had.

Had it Venetian blinds? It had.

Had it any curtains? It had.

What sort of curtains? Silk.

Do you mean silk curtains which drew aside, or which drew up and down with a spring? The curtain was pulled down by the means of two strings, which kept it confined, and was lifted up by a spring.

Do you remember her royal highness leaving Rome to go to Sinigaglia? I do.

Did her royal highness travel by night or by day? By night.

Do you know where they slept on the first night on the road? On the road.

Where did her royal highness rest the first day on the road? At Otricoli, at nine in the morning.

Where did her royal highness rest the second day? At ten in the morning, at Nocera.

About what time did he arrive at Sinigaglia? On the following day, at 11 o'clock.

Do you know a person of the name of Sacchi, or Sacchini, who is in her royal highness's service? I know Sacchini.

Did he accompany her royal highness on the journey you have just been speaking of? He did.

How did he travel upon that journey? From Milan to Ancona on horseback, and from Ancona to Loretto; and from Loretto to Rome, he set out a day before her royal highness in the caratella in the evening, and there I mounted myself on horseback, and accompanied her royal highness as far as Rome.

Did you mount on horseback at Ancona or Loretto? At Loretto.

From Rome, when her royal highness went to Sinigaglia, how did Sacchi travel, and how did you travel? He travelled in the caratella before, and I on horseback with the carriages.

How long before did Sacchi set out upon that journey in the caratella? Two hours before.

What was his business to do on that journey, going before her royal highness? To order horses, and to pay for the horses.

How did you travel yourself upon that same journey? Always on horseback.

Did you accompany the carriage on horseback? Always.

When you came near any stage, did you go before her royal highness's carriage? About half an hour before reaching the end of the stage.

Do you mean to say that, except that half mile before reaching the end of the stage, you always rode close to her royal highness's carriage? I do.

Did Sacchini order horses for her royal highness in the way you have described, going before her royal highness in the caratella the whole of the way from Rome to Sinigaglia? He did, and he paid for them at the same time.

Did any person ride as a courier with her royal highness on that journey, except yourself? No, there was no other.

If there had been any other, must you have seen him? Certainly, because I was always there.

Did any other courier, or person on horseback, except yourself, accompany any of the other carriages upon that journey? No one except myself.

Who travelled with her royal highness in the laundaulet upon that occasion? Her royal highness, Countess Oldi, Pergami, and Victorine.

In whose lap did Victorine generally sit upon that journey? Very often she was on the knees of her royal highness.

Did you see her also in the morning upon the Countess Oldi's knees sometimes? Sometimes.

Where did the Countess Oldi sit in the carriage? In the middle.

Do you mean in the middle between the baron and her royal highness? Her royal highness on the right, the baron on the left, and the countess in the middle.

Do you recollect, whether during any part of the journey from Milan to Rome, or from Rome to Sinigaglia, the Countess Oldi was in the other carriage from her royal highness? At Loretto she fell ill, and went into the second carriage.

Whose place did she take in the carriage? She took the place of Demont.

Where did Demont go when Madame Oldi took her place? She took the place of Madame Oldi.

Do you mean she took Madame Oldi's place next her royal highness in the middle of her landaulet? I do.

Was this upon the journey from Loretto to Rome, or from Rome to Sinigaglia, that this accident happened? From Loretto to Rome.

After leaving Rome to go to Sinigaglia, did Demont, or anybody except Madame Oldi and the Baron, ever travel in the carriage with her royal highness? There did not.

On that journey, was Madame Oldi always in the carriage, and always in the middle, as far as you saw? She was.

Did you always see her in this situation in the morning, when her royal highness arrived there? Morning as well as evening I saw her, for I was always there.

In travelling as a courier with the carriage of her royal highness, was it your practice for any purpose to go up to the carriage for the purpose of speaking to her royal highness, or any other person in the carriage, at any time? When they arrived at the end of a stage, and the carriage stopped, then I knocked against the door of the carriage, and I asked whether they wanted any thing.

In travelling in that way by night, in what way were the windows of the carriage? In the front there was a glass, and on the right and left by the side sometimes during the night they put up the Venetian blinds.

Could any air, though in a small quantity, then, when the glass was down, and the window altogether open, enter by the Venetian blinds? There was the air that came in by the means of the spring opening the Venetian blinds.

Do you remember about the time the change took place, and Madame Oldi going into the other carriage, and coming back, any accident happening? At Foligno the horses ran away, but this happened in going to Rome.

Do you remember on that occasion any accident happening to the work-bag, or any other bag of one of her royal highness's maids? I do not.

Did that accident at Foligno, the horses running away, happen at the time that Madame Oldi changed her place in the carriage? It did.

Did you ever see the baron kiss the princess at any time upon taking leave of her, or at any other time? I never saw him kiss the princess.

Did you ever see the baron take leave of her royal highness upon any occasion? Yes, I have.

What did the baron do, in taking leave of her royal highness, when

you saw him? He kissed her hand, and nothing else, with much respect.

Did you yourself, on taking leave of her royal highness, on any occasion, kiss her hand? I have.

Did the other members of her royal highness's suite do the same thing? Yes, equerries, chamberlain, and all those gentlemen who came to pay visits to her royal highness.

Were you in the habit of kissing the hand of persons of rank with whom you had formerly served as courier? I did so to the vice-queen, as well as to the Empress Josephine.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

Are you still in the service of her majesty? I am.

Did you travel with her as courier when she came to this country? I did.

When did you last see Pergami? The last time I saw him at St. Omer's.

Did the Baron Pergami travel with her majesty the queen as far as St. Omer's? He did.

Do you know the wife of Pergami? I do.

Where does she live? At Milan.

Pergami has the title of Baron della Franchina? He has.

Is his wife styled the Baroness della Franchina? I never heard that so.

Have you ever seen Pergami's wife in company with her royal highness? I have never seen her.

Whereabouts does Pergami's wife reside, at Milan, or the neighbourhood of it? She lives at Milan.

In what part of Milan? She lives near the Porta Ticinese; but I should know the streets very well,—I should be very well acquainted with the streets to tell you what the street is.

Have you ever been in the house where she lives? I have.

What sort of a house is it in which she lives? It is a neat house, that fits a private individual.

In what manner does the wife of Pergami live there? She lives as all other persons can live

In what sort of style or situation? In the style of a private person.

Describe more particularly the style in which she lives? For my part, to tell the truth, I have never been in her house to inquire what she does or does not do.

Has she any servants? She has servants, and a waiting-maid.

How many servants? She has a man-servant and a maid who performs the office of waiting-maid.

How long has she lived in the house in which she now resides? I have always seen her there, but I know not where she lived before.

Do you know the name of the man-servant who attends her? I do not know, because I have never been acquainted with him.

How do you know that she has a man-servant? I have seen him in the house when once I went to see her, but his name I do not know.

Then you have been in the house? I have just told you that I have once been in her house.

When was that? How do you expect that I can remember that; I have been once; it may be about a year ago.

Do you mean to say it was about a year ago? I do.

Upon what occasion was it that you went to the house a year ago? I carried a letter to her.

From whom? From her husband.

Were was Pergami at that time? He was at Pesaro.

Did you go from Pesaro to Milan with this letter? I did not.

Upon what occasion was it you went to Milan at that time from Pesaro? For some business of her royal highness.

Did you go alone? Alone.

How long were you at Milan at that time? Two days.

Do you know others of the family of Pergami? There are other relations; there is a certain Louis Pergami, his brother.

Is that the only other relation of Pergami whom you know? There are other persons, his cousins.

What are their names? One is called Bernando Pergami.

What the others? The other, Francesco Pergami Valolta.

Are those the only relations of Pergami that you know? There are other relations, but I do not know them all.

Do you know any others? There are his sisters.

What are their names? One I know is called Faustina Pergami.

You do not know the others? The others I do not know.

Have you ever seen the Countess Oldi? I have.

Is she any relation of Pergami? She is his sister.

Where have you seen the Countess Oldi? I have always seen her at the house of her royal highness.

Do you remember any other relations of Pergami? I do not remember any others in the house of her royal highness?

You are then to be understood that all those whom you have mentioned are in the house of her royal highness? They were once.

In what situation was the Countess Oldi? Dame d'honneur.

In what situation was Faustina? She kept the account of all the linen.

In what situation was Louis? Equerry.

In what situation was Bernardo, the cousin? He was prefect of the palace.

What was Francesco? The accountant.

You having lived with her royal highness for four years, do you mean to say there were no others of the family of Pergami living with her royal highness during any part of that time? I have seen no other.

Do you know Pergami's mother? I do.

Did she ever live in her royal highness's house during the time you were there? She came once to pass a few days at Caprili.

How long did she remain at Caprili? About two months, more or less; I cannot well remember that thing.

Where did the mother live at other times, do you know? She lived at Milan.

Whereabouts in Milan; In the town, in a house.

In what part of the town? I do not know.

When the mother was at the Villa Caprili, where did she dine? Sometimes she dined with her royal highness, sometimes she dined by herself.

Where did Faustina dine? Always in her own room.

Do you mean to swear that Faustina always dined in her own room? I cannot swear that she always dined in her own room, but I saw that she did not dine with the others, and always dined by herself.

Where did Louis dine? Louis dined with her royal highness; he did sometimes, and sometimes he did not.

Where did the Raggionato Francesco dine? Always at our table.

Do you know Faustina's husband, Martini? Martini, I do.

Where does he live? At Milan.

Did not Martini at one time live at the Villa d'Este? I do not know, because at that time I was not in the house, I was not in the service.

You have stated that Pergami accompanied her royal highness to S Omers, did any other of Pergami's family accompany her royal highnes to St. Omers? No one else of the family.

Where did you leave the others of the family? Some at Milan, some at Pesaro.

You have stated several journies you took with her royal highness from Milan to Rome; who were upon that journey? Countess Oldi, Baron Pergami, Mr. Hownam, the Chevalier Vassali, and Louis Pergami; Mademoiselle Brunette and Mademoiselle Demont, and the little Victorine.

Who travelled in the caratella from Milan to Rome? Which caratella?

You were understood to distinguish one of the three by the description of a caratella? Mr. William and Monsieur Vassali.

Who travelled in the bastardella? Mademoiselle Demont, Mademoiselle Brunette, and Mr. Hownam.

Only three? Only three.

How did Louis Pergami travel? Louis Pergami arrived at Rome one day before us; he set out before.

What carriage did Louis Pergami travel in? In a caratella with two seats.

Was that another carriage belonging to her royal highness? It was.

How many carriages accompanied her royal highness when she went from Ancona to Rome? Her own and two more carriages.

How many carriages accompanied her when she went from Rome to Sinigaglia? Three carriages including her own.

Who travelled from Rome to Sinigaglia in the bastardella? Mademoiselle Demont, Mademoiselle Brunette, and Mr. Hownam.

Who travelled in the caratella? Mr. William and Mr. Vassali.

Who in the carriage in which her royal highness travelled? The Countess Oldi, her royal highness, the baron, and Victorine.

How did Louis Pergami travel from Rome to Sinigaglia? He set out before.

With whom, by himself? In the caratella, by himself.

Those were the four carriages belonging to her royal highness? They were.

Did they travel in that way the whole way from Rome to Sinigaglia? Yes.

What other couriers had the princess in her service at that time, besides yourself? No other courier; after me there was Sacchini, I and Sacchini.

Was it not very hot weather when they went from Rome to Sinigaglia? Very hot.

Was that the reason of her travelling by night? Her royal highness travelled by night on account of the heat.

In what order did those carriages go forward; her royal highness's first, the bastardella second, and the caratella the third? Her royal

highness went first, the bastardella was the second, and the caratella was the ast.

Was Theodore Majocchi on that journey? He was.

Was Racchi on that journey? Ferdinando Racchi.

How did they travel? On the box of the bastardella.

Were there two servants called Soliman and Polidore? Yes.

Were they also on that journey? They were.

(*To the Interpreter.*)—Does the word used for curtain in Italian, apply as well to the blind that lifts up, as to the curtain that draws aside? Yes.

What is the Italian word? Cortina and tendina; there is a little distinction as to their origin, but not as to their meaning.

(*To the witness.*)—How did Soliman and Polidore go upon that journey? Soliman on the box, and Polidore came a day after, for he remained at Rome.

On that journey from Rome to Sinigaglia, did not you go on, and order horses from stage to stage? No, Sacchini set out from Rome two hours before.

Will you swear you did not go on and order the horses at each stage? No, I remained with the carriages, and Sacchini set out from Rome in a carriage.

Upon your oath, did you not go on and order the horses at each stage? I will swear, even to a hundred thousand times, that I was always with tne carriages.

Who ordered the horses? Sacchini set out before in the caratella.

Then Sacchini travelled in the princess's caratella? No, it was a carriage that he took from stage to stage.

How came you to swear, in your examination in chief, that he went in the caratella? Every carriage is called a caratella in Italy, and I meant a caratella de posta; that is, a carriage he took from stage to stage.

What was the reason of Sacchini travelling, on that occasion in a caratella? Because he was not fit to mount on horseback; for when he had run a post or two, he was all chafed.

Then he did travel part of the way on horseback? As I have said before, coming from Milan, as far as Ancona only.

How long had you been at Rome before you set out from Rome to Sinigaglia? Two months.

Do you mean to say, that this accident to Sacchini happened two months before you set out from Rome to Sinigaglia? He set out from Milan to go to Rome, and he was chafed five or six stages afterwards; and at Parma requested me to get him a carriage and to tell nothing to the Baron Pergami. He travelled, as I have told you, in a caratella de posta from Rome to Sinigaglia, and changing the carriage at every stage.

Before you set out from Rome to Sinigaglia, had you not been at Rome upwards of two months? Two months at Rome the princess was, June and July; the first of August we set out.

What was the reason of Sacchini's travelling from Rome to Sinigaglia in a carriage? Because he was not good to mount on horseback, and he soon got tired, and was chafed.

Did he go any part of that journey on horseback? From Rome to Sinigaglia, and neither from Loretto to Rome.

How long had Sacchini been a courier in her royal highness's service

during the time you were there? Twelve or thirteen months at the most.

Was not Sacchini the courier on her royal highness's tour through Germany? He was in her royal highness's service, but I was not, at that time.

Where did you reside during the time you were at Rome? At the hotel of Europe, in the Piazza di Spagna, opposite the palace of the Spanish ambassador.

Did you sleep there? I did.

How long were you at that hotel? Six days.

Where were you afterwards in that house? Do you wish to ask as to me or her royal highness.

You? I always was at the house of her royal highness.

Do you mean to say, you slept at the house of her royal highness every night that you were at Rome? I do.

Did you ever sleep in any other place? No.

Were you ever at Rome at any other time with her royal highness? No.

As that was the only time, at that period did you sleep every night in her royal highness's house, or did you not sleep elsewhere for a considerable time? I have always slept in the house where her royal highness lodged.

Were you not, at that time when you were with her royal highness, confined in prison? I was not.

Nor at any other time when you were there with her royal highness? When I was with her royal highness, never.

Were you ever in prison at Rome? How, in what way in prison.

Did you ever sleep in prison; were you ever confined in prison? Once I was arrested at a watch-house at Piazza Collonna for five days.

When was that? It was when I went to fetch the money from the banker, the Duke of Torlonia; when I was at Storta, the postillions would not give me the horses, and the postillions began to ill-treat me, and I began to retaliate, to beat them; the postillions came seven against me with their stable forks; I drew out my pistol and fired, and at that time arrived the courier of Monsieur Calcagnini, and he held my arm at the time that I had pulled the trigger to kill one of the postillions, and he in this way got the fire himself; then the governor, Monsieur Calcagnini, saw that I was right, kept me five days under arrest, and then let me go.

Was not the postillion killed? I did not kill the postillion.

Was not one of the postillions killed upon that occasion? No postillion was killed upon that occasion.

Was the courier injured? He was wounded; I made him a hole as large as that here, (*in the belly.*)

Did he not die in consequence of that wound? He was forty days ill; he was my friend; it was through an accident.

When you were at Rome you say you visited Ruffinelli, how far is Ruffinelli from Rome? There are twelve miles from Rome to Frascati, and there is half a mile to go to Ruffinelli from Frascati.

Do you mean twelve Roman miles, or what other miles? Roman miles.

RE-EXAMINED BY THE ATTORNEY-GENERAL OF THE QUEEN.

Is Storta the first stage from Rome? Coming out from Rome to go towards France, it is the first stage.

Do you mean that it was the first stage in going from Rome back to her royal highness? To come to Pesaro.

Were you going then from Rome to Pesaro to her royal highness? I was.

Had you in your charge at that time a large sum of money for her royal highness? Fifteen thousand dollars.

You say this courier whom you had the misfortuue to wound by accident was a friend of yours? He was, he is still my friend; and he is at present at Rome.

It was not at him you were firing at the time? No, it was to ki one of the postillions.

Do you mean one of the seven postillions who were attacking you with pitchforks? Yes; and I might have killed perhaps three or four of them, for my pistol had two bullets in it.

Were they the pistols which you had to defend yourself and your charge upon the journey? To defend myself upon the road from Rome from the highwaymen, for there are always some highwaymen there.

EXAMINED BY THE LORDS.

Lord Erskine.—During the whole time you were in her royal highness's service in the manner you have described to the House, did you ever observe any part of her royal highness's behaviour immodest or indecent, either regarding Pergami or any other man? Never, but always with much respect when he spoke to her royal highness.

Lord Ellenborough.—Were you travelling alone when this accident at Storta happened? I was travelling together with the cousin of Pergami.

Do you know why you were released from prison so soon? Because the secretary of state, the governor of Rome, saw that I was right; and Monsieur Calcagnini, in whose service the courier was, saw that it was a misfortune, an accident, and he endeavoured to get my liberty.

Earl of Lonsdale.—Do you know the Countess Oldi's husband? I do not.

Lord Prudhoe.—In what month did the princess go from Rome to Sinigaglia? In the month of August.

At what hour of the day did you arrive at Sinigaglia? Eleven in the morning.

SIXTEENTH WITNESS.

Then *Lieut. John Flinn, R. N.* was examined by the Solicitor of the Queen.

Are you a lieutenant of the royal navy of England? I am.

Are you now settled in Sicily? I am.

Did you see her royal highness the Princess of Wales at Messina in the month of November in the year 1815? I did.

Did you take any command on board a vessel at that time? I did.

What was that vessel? A gun-boat.

Did her royal highness make any application to you, with respect to She did.

What was that? To proceed with her on the voyage to Constantinople and other places.

Was a polacca hired for that purpose? Yes.

Who had the command of that polacca? Her royal highness gave me the command of her.

Did you continue in the command of her during the whole time that her royal highness was on board? Most assuredly.

Who fitted up the cabins in the polacca? I did.

Did you fit them up under the direction of her royal highness, or according to your own discretion? According to the orders of her royal highness.

And at her expense? Yes.

Was there any surgeon on board during the voyage? When we got to Tunis.

Do you know whether he is now living? I believe not, I have heard he is not.

When he was taken on board at Tunis, did it become necessary to make any alterations in the sleeping place of any other person on board? It did.

What was that? Mr. Pergami's birth was changed into the dining-room.

From what previous situation? From the after cabin on the right hand side of the ship when looking forward.

Do you know the bed-rooms that were occupied by her royal highness, and also by Pergami, during the whole of the voyage? I do; the bed-room of her royal highness was on the starboard side.

In any situation in which the beds of those two individuals were at any time placed, was it possible for them, from those beds, to see one another? I say no.

Was it your duty to attend to her royal highness, and to see what the arrangement of her apartments was? I have sometimes been called for by her royal highness to know how the weather was.

From what place has her royal highness called to you? From her cabin.

Has she called to you from any other place in the night? Yes.

When? When sleeping under the tent.

Under the tent upon the deck? Yes.

What was Gargiulo's situation on board this vessel? He was the captain of the ship.

Was he the acting captain, or the master of the vessel, and you the acting captain? I was considered the captain of the vessel, by order of her royal highness, and all the necessary orders were given by me to the captain of the ship.

Did Gargiulo's situation call on him to attend about the rooms of her royal highness, or about her person? No, most assuredly not.

What was the duty of Gargiulo on board the ship? To attend to the duty of the ship.

His duty was to attend to the men? Yes.

Did that duty call him to be in the part of the ship where her royal highness was? Not at all times; a man could command the ship without being in the apartments of her royal highness.

Was it his duty to attend upon her royal highness, without your having given him orders so to do? No.

Was he in the habit of coming into her royal highness's room of his own accord? He might of his own accord; he could not have gone there without receiving some order from me.

Was that his habit or his duty, without orders from you? It was his duty.

Do you mean, to take orders from you? Yes.

You have mentioned the tent that was sometimes raised upon the deck, how near was the steersman to that tent? About three or four feet.

During the night and day? Yes.

Did your duty, in the course of the night, call you sometimes to that place? On our return from Jaffa I slept on deck.

The question refers to the place where the steersman was? Most assuredly.

How near was the place where you slept to the tent? Over the helm; I should think about five feet; I should say less than five feet.

From the place that the steersman occupied was it easy to hear what passed within the tent? Speaking generally, I conceive it would be.

Describe what you mean by speaking generally? If the conversation was such as generally takes place between two persons, it might have been heard where I slept and where the steersman was.

You say it might have been heard where you slept; did you, in fact, hear it? No, I did not.

Have you heard conversation from that place passing under the tent? No.

Was it near enough to have heard things that passed in general within that tent? Yes.

Did the tent cover the whole of the deck, or was there a passage left? There was a passage on one side at night.

Were you in the habit of passing along that passage in the night? Yes.

And others of the crew? Certainly.

Do you recollect the light being sometimes put from under that tent to be taken away at night? It was taken away for the preservation of the ship, and all on board her.

How so? We had received information at Athens and at Milo of a great many pirates having been about the Archipelago, and it was then consistent that no light should be seen upon deck, not to give such vessels an opportunity of seeing us by night.

Do you know whether there were any pirate vessels at any time; have you seen any? Yes.

Was the danger of the light being on deck represented in consequence of that to her royal highness? It was.

Was the light removed from the tent after that representation was made? Yes.

Was there any communication between the interior of the tent and the cabin below? Yes.

What communication was it? A ladder that went down to the dining-room.

How was that communication kept at night, open or shut? It was kept open; the tent covered the passage, but the opening was always clear.

Do you remember a tub in which her royal highness occasionally bathed? I do remember there was a tub.

Do you know whether that tub could go into the cabin where her royal highness slept? No.

Do you mean that you do not know, or that it was too large to be placed in the cabin? It was too large to be placed in the cabin.

In the course of the night, has her royal highness ever spoken to you

from the tent? When having occasion to manœuvre the ship during the night, I have had occasion to disturb her royal highness from her repose, she has then called to me.

When you answered that call, did you open that tent? Sometimes, when I could not distinctly hear what her royal highness had to say, I was obliged to open it.

Do you know where Pergami slept on board your vessel? On the return from Jaffa, I do not know where he slept.

Where did he sleep on the other voyage? On going out, he slept in the dining-room.

Do you remember the position of her royal highness's cabin, with respect to that of the Countess Oldi? Yes.

How was it? The cabin was divided into two divisions, that of her royal highness was much larger than that of the Countess Oldi.

Was there any communication between them? There was a door and two skylights, two openings on the deck.

Was there any gun upon the deck? Yes, there was.

Did you see her royal highness sitting upon that gun with any person? No.

Did you see her sitting in the lap of any person on board that vessel? No.

Did you ever see her with her arms round the neck of any person? No.

Or kissing any person, except, perhaps, the child Victorine? No.

During the whole time that you had the management of this vessel, and that her royal highness was on board, did you see the slightest impropriety or indecency in her behaviour towards Pergami, or towards any other person? No.

Do you remember Pergami going on land at Terracina? Yes.

Did you see him take leave of her royal highness? I did.

Describe what was done upon that occasion by him? Kissing her royal highness's hand on going away from the ship, which was occasionally done by all persons on taking leave.

How long have you been in the navy? About sixteen years.

You wear some orders? I do.

What are they? The order of merit and fidelity of the King of Naples.

On what occasion did you receive those orders? On the occasion of taking several privateers when serving in the Neapolitan navy at Messina.

Have you received the royal permission to wear those orders? One I have.

Which is that? The third order.

By royal permission, I meant the permission of your own king? Yes.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

How long were you on the voyage from Tunis to Jaffa, as nearly as you can recollect? I do not know the exact date; if you will allow me to look at a memoir I have made—

The question does not call for the precise time, but about what time? I should conceive, from two to three months.

How long, as nearly as you can recollect, were you upon the voyage from Jaffa to Syracuse? Nearly a month.

Do you mean to say, that you were not more than a month? We

might have been more, I cannot state exactly to a day without appealing to memoirs.

Will you take upon yourself to say, that you were not two months?

The witness produced a paper, and was asked,

When were those made? They were copied from my own originals.

When? Since I have been on my voyage.

Where are the originals? In Sicily.

Why did you not bring the originals? I did not think they would be wanted.

Why did you make the copies? Because I thought it consistent; I thought I might want them hereafter; I did not consider it necessary to bring the originals with me.

You made the copies because you thought they might be wanted, but you did not think the originals would be wanted, is that so? Yes.

For what purpose were the copies to be wanted? To remember in case I should be asked any particular circumstance, where I had been, by my friends.

Why would not the originals communicate that? Because it is private affairs.

Do you mean to swear those papers you have in your hand were copies made before you came to this country the last time? Yes.

In Sicily? On my voyage on board the ship.

That the copies which you now hold in your hand, were made on your voyage on board the ship? On board the ship; I went from Messina to Syracuse; I heard that persons were called to England, and I expected to be called myself, but I was not called.

You mean that the copies were made at that time? On my voyage.

Can you tell now, without looking at those copies made by you, nearly how long you were on the voyage from Jaffa to Syracuse? We might have been more than a month, I cannot tell particularly without looking at the paper.

According to the best of your recollection, will you take upon yourself to say, you were not two months? From one to two months I should conceive we were; I cannot swear exactly.

Nearer two months than one month? I should think nearer two, when I reflect on the thing.

Will you take upon you to swear, that you were not more than two months? No, I cannot take upon me to swear that.

The witness was directed to withdraw.

The evidence of the witness respecting the copies from his journal was read over.

The witness was again called in.

Lord Chancellor.—Where did you make those original papers that you spoke of? The papers were made on board the vessel which I commanded.

Where, on what voyage? Going from Messina to Catania.

Where did you make what you call the copies of those originals? It was on board the ship.

On the same voyage? Yes.

On the way from Messina to Catania? I went round the island in a vessel of my own.

Did you make the original minutes when you were on board the polacca with the Princess of Wales? The original, I did.

Did you make the copies when you were on board the polacca with the Princess of Wales? The originals were made on board the polacca.

Where did you make the copies? When I went round the island of Sicily in my own vessel.

Had you the originals with you at the time? I had, on board the vessel.

Are those copies made from those originals? Yes; there are very few lines of them; I did not copy the whole of them.

Are they faithful extracts of so much as they purport to be extracts of? No; perhaps I do not understand the question.

You recollect your original papers? Yes.

Are those you call copies, copies of the whole of those originals? They are not copies of the whole transactions on board the polacca.

Are they copies of any part? Some parts, such as the dates when we sailed from different places, that is all.

As far as you have made copies, can you say, upon your oath, that they are accurate copies of parts of the originals? Yes.

Mr. Solicitor-General.—Have you looked at that memorandum since you have been out of this house? No, I have not.

Look at the memorandum, do not read it aloud, and state how long you were on the voyage from Jaffa to Syracuse?

The witness referred to his memorandum, and said,

We sailed from Jaffa on the 18th of July, and arrived at Syracuse on the 20th of August.

The paper was shewn by witness to Mr. Solicitor-General, at his desire, and he was then asked,

During the voyage from Tunis to Jaffa, where did Pergami sleep? From Tunis to Jaffa, in the dining-room.

Every night? To the best of my recollection he did.

How do you know that? Because I had frequent occasion to go to her royal highness in the morning to pay my respects, and I saw him in bed.

Were those the only occasions on which you saw him in bed in the dining-room? Those are the only occasions.

Did her royal highness sleep below during the whole of the voyage from Tunis to Jaffa? I believe she did.

When you went to pay your respects to her royal highness, where was her royal highness at the time? In her own room.

In her sleeping cabin? Yes.

Abed? On the sofa.

Dressed or not? Dressed.

And Pergami, on those occasions, in bed in the dining-room? He was in bed.

How many times may you have seen him on the average in a week? I never particularized to haul back the screen, but sometimes when I have gone in, he has said "Good morning," as I passed.

What kind of a bed was it, or bedstead? I believe it was an iron bedstead, but I cannot positively recollect what it was.

Fixed? No, it was not a fixture, but it was lashed to the side of the vessel.

Do you mean to swear, that from that bed, the bed of her royal highness, when the door was open, might not be seen? I should think not.

Then now it is only you should think not; did you ever stand in such a position as to see to decide that? No, I did not.

Was it your duty to attend upon her royal highness? No, it was not; but when called for I frequently went there.

No other business took you into the dining-cabin in the night? No.

Though you had the command of the ship you did not go into the cabin at night? I did not, without being sent for.

At any time, either upon the outward or homeward voyage? On the homeward voyage I have.

Often? Not very often; such as going to dinner.

At night? No.

Never? Never, without being called for.

Who was to call you at night? The crew on deck, when I was not on deck myself.

Who was to call you into the dining apartment at night? Some of the servants of the house—of the ship.

Being so called, you have gone at different times? I have gone when I have been called for, but I never went of my own accord.

Has that happened frequently? Not very frequently.

Has that happened several times? I cannot specify the number of times, but I apprehend more than once.

Or twice or ten times? I might have been as many times as that, but I cannot possibly recollect the number of times I have been sent for.

Under this tent, on the deck, there was a bed, was there also a sofa? There was a sofa and a bed.

Whose bed? I believe that it was Mr. Austin's bed.

Who slept in that bed? I do not know.

Do you mean to swear, that you do not know that her royal highness slept in that bed? Her royal highness slept on a sofa, not on a bed.

Near that bed? Not very near.

How far off? As far as I am from that seat there.

Three or four yards? I should say three yards.

Do you mean to swear there was an interval of any thing like three yards between the bed and the sofa? Between the extremities of both, there was a great deal more.

Was there more than a yard between the nearest point of both? Yes, most assuredly there was.

How much? There must have been more than two yards.

Where did her royal highness sleep, on the sofa? Yes.

How do you know that? Because I had occasion to see her one night, when I went in there.

Is that the only reason you have to know that? That is the only reason; I can testify having seen her royal highness on that bed, and I conceive she always slept there.

Who slept on the bed? I do not know.

For what purpose was it placed there? It was placed there for persons to sit there, during the day.

Do you mean to swear, that it was placed there for people to sit on during the day? That was the occasion I saw it used for during the day-time.

You mean to swear, you believe it was placed there for that purpose? I can state no other purpose, I do not know that any person slept in it, I never saw any person in bed there.

Did you ever see Pergami in bed there? I have never seen him in bed; I have seen him sit on it in the day-time.

Have you never seen him lie upon it in the day-time? No.

Do you mean to swear you have never seen him lie upon it in the day-time? I do.

Had you never the curiosity to inquire where Pergami slept the whole of the voyage from Jaffa to Syracuse? No, I had other duties to attend to, navigating the ship to carry her royal highness about to the different places to which she went, and I did not attend to that.

Have you any doubt that during that voyage, and the whole of it, Pergami slept upon that bed under the tent? I cannot say where he slept, I never went to look after Mr. Pergami; when he was wanted, or where he slept, it is impossible for me to say, I can only repeat that I never saw him in bed.

Have you any doubt that he slept on that bed every night on the voyage from Jaffa to Syracuse? I cannot say.

Have you any doubt upon the subject? I must certainly doubt whether he did sleep there every night, or whether he did sleep there at all I cannot say, for I never saw him there, nor do I know where he slept.

Do you mean to say you entertain doubts whether he did sleep there, and believe that he did not sleep there? When I never saw him there, I have every reason to doubt that he did not sleep there.

Do you mean by that to say that you believe he did not sleep there? I believe he did not sleep there.

Where did he sleep? I do not know; I never went to look where he slept.

Did you ever see him sleep in the cabin on the voyage from Jaffa to Syracuse? I never went into the cabin in the day-time, to see whether he was there or not.

Did you ever see him, during any part of that voyage, sleeping in the cabin? I do not know; I never went into the cabin to see whether he slept there or not.

Did you ever, either by night or in the morning, see him, during any part of that voyage, sleeping in the cabin in his former place? I do not recollect having seen him there.

Do you mean now to repeat, that you believe he did not sleep under the tent? I must again repeat that I do not know where he slept.

Not knowing where he did sleep, you mean to have it believed that you do not believe he slept under the tent? I believe he did not sleep under the tent.

What is your reason for believing that he did not sleep under the tent? Because when I went to see her royal highness one night, I did not see any one there.

Was it light or dark? It was dark.

Of what country are you a native? I was born an Englishman, part of an Irishman.

It being dark, and not seeing him when it was dark, is that the only reason for your belief that he did not sleep under the tent? The light of the binnacle was quite sufficient to give me an opportunity of seeing whether he was there or not; it was dark at night, but there was the light from the binnacle that reflected into the place when I opened it.

Attend to the oath you have taken; upon the night when her royal highness called you, and when you say there was a light from the bin-

nacle, will you take upon yourself to swear that Pergami was not on that bed? I do swear to it.

Was that the only occasion that you saw that bed when Pergami was not there? I have gone there frequently, and seen the bed in the same position, and I never saw him there.

Have you gone there frequently? I have gone there when called for.

And you never saw him there? I never did.

Do you mean to swear, that if he had been there, you must have seen him? Yes, if he had been on the bed I must have seen him.

Do you remember the night of a storm off Candia? Yes, I do.

Did her royal highness go below? She did.

Where did she sleep? She slept on the deck. I did not follow her royal highness to see where she slept; but I believe she slept in the cabin belonging to Mr. Hownam.

Do you not know that she slept on the deck below, by the side of that cabin of Mr. Hownam? She might have slept there at first, and afterwards retired to the cabin of Mr. Hownam; but the occupation of the ship required me to stop on deck.

Did you not see her royal highness below on the deck? I believe at day-light in the morning I saw her royal highness in Mr. Hownam's cabin.

Did you not go below during the night, and see her below during the night? I do not recollect to have done it; it does not strike me that I did: it blew very hard indeed, and required me on deck.

Do you know where Pergami slept on that night? I do not.

Where did you see Pergami in the morning? The first I saw was on his coming on deck; I saw him coming up the ladder.

You mean to swear you never saw him during the night lying on the deck below? No, I did not.

Had you the whole command of the vessel? Speaking of having the command, I had those orders which her royal highness chose to give me at different times, and under those I acted; the ship was hired by her royal highness.

During the whole of that month you mean to swear you never saw Pergami in bed anywhere? I never saw him in bed anywhere; I have seen him sitting on that bed on the deck, but never saw him lying down.

At the helm you could not hear a conversation that passed within, unless it was in a certain tone of voice? Speaking as you are now speaking, I might have heard it, I could have heard it.

When her royal highness called, you did not hear, and were obliged to lift up the tent? Yes, when blowing hard on board the ship, the working of every material on board prevents persons hearing, and I could not distinctly hear what her royal highness said, but I naturally concluded, from having been called on former occasions, that it was to inquire respecting the weather.

Adjourned.

TWENTY-EIGHTH DAY,—TUESDAY, OCT. 10.

PROSECUTIONS FOR PERJURY.

Earl Grosvenor rose to call the attention of the house to a subject of considerable importance. Their lordships were

perfectly aware that her majesty's Attorney-General had announced it to be his intention to prosecute one of the witnesses that had been examined at their lordships' bar, for perjury. From what they had heard, it might strike them as it did him, that it was probable more than one witness would be liable to a prosecution for perjury. In an early stage of the present proceedings, that house had come to a resolution that they would do nothing to prevent those prosecutions to which witnesses might expose themselves. That the house would not put themselves in the way of any prosecution; but it was not quite so clear that individuals would not, nor was it clear that indictments for perjury committed in the course of proceedings like that which the house was engaged in, could be maintained. He wished therefore, to know, from the noble and learned lord on the woolsack, whether he believed there was any power of prosecuting witnesses in this cause for perjury? It might be practicable to throw difficulties in the way which would enable the parties to escape; he therefore thought care should be taken that there was no interference from any quarter with that power in the country to which the power of punishing such offences was confided. The honour and dignity of that house appeared to him to be concerned in seeing that no difficulties were thrown in the way of prosecutions of the nature to which he had alluded; and he would, therefore, submit, that it might be expedient to pass a short act of parliament to remove all doubts on the subject.

The Lord Chancellor said, if he took upon himself to reply to the noble earl, their lordships would allow him to say that he did so because the proposition just submitted to their lordships in the present stage of the proceedings now in progress, appeared to him one of the most extraordinary steps that he had ever witnessed. He would take the liberty to say, that when the learned counsel at the bar announced his determination to prosecute one of the witnesses in support of the bill, for perjury, he had gone a little further than he ought to have done in that stage of the proceedings. And to him it appeared that the noble earl had at present no right to talk of the probability of prosecutions for perjury being instituted against more than one of the witnesses. On that probability he felt, for his own part, that he had no right to form an opinion till they arrived at the conclusion of the proceedings. He felt that till then he owed it to every witness to suspend his judgment on the testimony which he might offer at their lordships' bar. He would appeal to them whether, both in a judicial

and a moral point of view, they were not bound to act on this principle; and whether, taking the course which had been suggested, they would not, instead of giving the witnesses that protection to which they were entitled, proceed, in point of fact, to punish imputed perjuries, though every word which had been sworn might be proved true by witnesses subsequently to be called. On that ground he deemed it unfit to give any answer to the question which had been put. [Hear, hear!]

Earl Grosvenor wished it to be borne in mind, notwithstanding the impropriety which had been suggested to him by the noble and learned lord, that he had only stated an hypothetical case. He had stated also, that there was an individual among the witnesses who had been threatened with prosecution, and that others might be prosecuted; and in this, as far as he might judge, from the evidence of his ears, he was fully borne out. He could not help thinking it a matter of considerable importance. It was said that the step that he had taken was extraordinary; that it was anticipating the conclusion; but their lordships would recollect, that in an earlier stage of the proceedings in this particular case, the noble lord on the woolsack had thought it right that the house should declare it would throw no impediment in the way of prosecution for perjury. This had taken place some weeks ago, yet they had been given to understand that this was the first time such a question had been agitated. Under the peculiar circumstances of the case, it might be desirable that a bill like that which he had suggested, should pass, in addition to the determination to which they had already come, not to interpose their powers to screen any individual from punishment.

The Lord Chancellor remarked, their lordships would surely see the mighty difference between laying down a rule for the purpose of obtaining true evidence, before any witness had been examined, and that of adopting a particular measure with respect to certain individuals pending the proceedings. The witnesses might have sworn falsely for aught he knew; but on that he had no right to give an opinion. There was a great difference between such a measure as had been proposed, and a rule adopted in the first instance, which was to extend to all the witnesses that were to be examined.

The Earl of Essex spoke, but was inaudible below the bar.

The Earl of Liverpool could not approve of the course

which had been suggested by the noble earl; and thought, with the Lord Chancellor, that there was a vast difference between such a measure, adopted at this stage of the proceedings, and a general rule laid down at the commencement, previous to the examination of a single witness.

WILLIAM CARRINGTON.

Lord Melville stated, that circumstances had come to his knowledge with respect to W. Carrington, one of the witnesses examined on Saturday, which, in his judgment, made it highly important that that witness should be again brought to their lordships' bar, either immediately, or as soon as the witness then under examination had retired. He should move, that William Carrington do attend at their lordships' bar.

Earl Grey thought it might be the more convenient course to bring up the witness for further examination, when the remainder of the case had been gone through with.

The Earl of Liverpool.—The question was, whether the particular individual should be called in when they arrived at the conclusion of the case, or forthwith. He was inclined to adopt the latter course.

The Earl of Lauderdale was of opinion, that the license allowed to the counsel on either side could not be withheld from a member of the court. He thought the noble viscount ought to be allowed to decide, whether it was most advisable that the witness should be called back now, or at some future time.

The Earl of Donoughmore thought it rested with the noble lord to say when the witness should be recalled. He, for his own part, thought the sooner the court were put in possession of this information the better.

Lord Melville did not say, that the necessity of the case required the instant examination of the witness; he would only say, that it was, in his opinion, highly expedient that the particular witness alluded to should be examined without much delay. He moved, that William Carrington should be ordered to attend to be examined at their lordships' bar this day.

The motion was agreed to.

Lieutenant *John Flinn*, R.N., further cross-examined by Mr. Solicitor-General.

At what time did you arrive at Athens? On the 8th of May believe.

Did you touch either at Athens or at Milo, on the homeward voyage? No.

You mentioned yesterday memorandums, or a copy of memorandums, which you made on the coast of Sicily? Yes.

When was that made, how long ago? About three months ago, between three and four months ago.

How long previously to that time was it that you had been in England? I had been in England in 1817.

You had not been in England from 1817 down to that period? No.

Was the memorandum made on shore, or on board the vessel? On board the vessel.

Had you been on shore a short time before that? In Sicily; I sailed from Messina to La Carta first, and from thence to Catania, and from Catania to Messina.

Were you on board an Italian vessel? I do not remember that I was on board an Italian vessel.

At the time you are speaking of, when that memorandum was made? No, I was not.

Of what country? An English vessel.

What was the name of that vessel? The Lion.

Will you allow me to look at the memorandum you hold in your hand? Yes.

(The paper was handed to Mr. Solicitor-General.)

You have stated that you had the command of this polacca, who was t that navigated the vessel? I did.

Who was it that gave orders to the sailors? Generally it was the captain, but those orders came from me.

Did you do more than merely direct the captain as to the place he was to go to? I did not particularly direct him to go to any place; I only gave him orders to execute those duties belonging to the ship.

Did he not execute those duties as the captain of a vessel ordinarily does, by giving directions to his crew? I conceive he did.

Then, in navigating the vessel, had he not the whole care and management of the ship? He had not the whole management of the ship, because the management was given to my charge by her royal highness.

Do you mean to say you gave orders to the seamen about the navigation of the vessel? The management of the ship and the manœuvring of the ship were different.

What do you mean by saying that you navigated the ship? By navigating the ship, such as directing the courses to steer by, and giving orders to the crew occasionally.

Then you did occasionally give orders to the crew as to navigating the vessel? The navigating of the vessel includes manœuvring the ship and sails, those things as well as the navigation also.

Did you give directions as to the manœuvring the ship? Sometimes I did, sometimes I did not.

Was not that generally done by Gargiulo, the captain? Sometimes he was not on deck, and I had occasion to do it myself.

Then was it only when he was not upon deck, and you had occasion to do it on that account, that you gave those directions? Sometimes I have done it also when he has been upon deck.

Was it not generally done by Gargiulo? As to the working of the ship, I think he generally did it more than I did myself.

Do you usually write in Italian or in English? In both.

You must perceive that is not an answer to the question; do you usually write in the one or the other language? I write in English generally.

Was the account which you kept of the proceedings of the vessel in Italian or in English? In Italian.

Was that account written by yourself? The account was written by the clerk.

The question refers to that account referred to by you yesterday, and from which you made your extracts? It was written by the clerk.

Was that clerk an Italian or an Englishman? I do not know what he was.

Was he your servant? No.

How long were you on board the vessel with him? In the voyage we were several months on board.

With that clerk? Yes, there was a clerk; the copy you allude to now, the journal, was kept by myself in Italian.

The question refers to the journal from which you took that memorandum, whether that was kept in English or in Italian? It was in Italian, the log-book?

Was it from the log-book you took those memorandums, those copies? Yes.

By whom was the log-book kept? By myself, it was a private memorandum of myself.

Do you mean that the log-book was a private memorandum of yourself? Yes, it was a private memorandum of myself; it was not exactly the log of the ship, it was a private memorandum of myself; I considered the log for my own private purpose.

Being for your own private purpose, was it kept by yourself or by a clerk? It was kept and directed by myself, some writing of my own, and some writing of a clerk in it.

Was that the clerk to whom you alluded just now? Yes.

Was he on board the polacca? Yes, he was.

The whole voyage? Yes, the whole voyage.

You were asked whether he was an Italian or an Englishman? An Italian.

Did you not state just now, that you did not know what countryman he was? I believed him to be an Italian or a Sicilian; I did not know what he was; he was on board the ship.

Did you not, in answer to the question put to you, whether he was an Englishman or an Italian, tell me you did not know what countryman he was?

The following question and answer were read over to the witness:

"Was that clerk an Italian or an Englishman?" "I do not know what he was."

Did you not tell me just now, when I asked you whether he was an Italian or an Englishman, that you did not know what he was? I do not know what he was, but I believe he was an Italian or a Sicilian.

You say he wrote only a part, was the part which you wrote written in Italian or in English? That part which I wrote was in English.

Did you not tell me just now, that the log, or whatever it was, was written in Italian? In Italian.

Now you mean to say it was written partly in Italian and partly in English? Part of both, to my recollection.

The witness requested leave to withdraw, being taken ill.

The witness was led out of the house.

After a short time the witness returned.

The previous evidence of the witness was read over to him, and he interposed, by saying, 'The clerk I referred to was a sailor whose name was Pasquali; he was a servant of mine.'

Having told us in a former part of your examination, that Pasquali was not a servant of yours, and having now told us he was a servant of yours, which of these two stories do you mean to adhere to? I mean to adhere that he acted as both.

Do you mean by saying that he acted as both, that he was your servant, and that he was not your servant? His being a servant was only for the purpose of taking my cot up and down, and making my bed, and those private affairs, such as writing for me, were done for me, such as the duty of a servant; he was not kept as a clerk, but he was kept more as a sailor on board the ship.

Then he acted as your servant? He acted as a sailor and as a servant on board the ship; he was one of the crew.

You having kept a part of the log yourself, and Pasquali having kept the remainder, which of the two kept the larger proportion? It is impossible I can determine at this moment; I have not the thing before my eyes, nor can I say which kept the most, but I should think I kept the most of it myself; I may be mistaken as to such a circumstance; I have not the thing before me, and I cannot say.

Then the most of it, if kept by you, was kept in English? There was some in English and some in Italian, written by myself.

Did you not tell us just now, that the part kept by you was kept in English? If I told you so, it was at a moment when I felt myself so situate that I did not know what I said.

Then the part that was kept by you, do you mean now to say was kept sometimes in English, and sometimes in Italian? Yes.

Was the greater proportion, according to the best of your recollection in English, or in Italian? I should involve myself very much to say which it was, I cannot recollect.

Was there a considerable proportion of it in English? By saying that there was a considerable proportion, I shall conceive the greater part was written by me in English, but I do not recollect, I should think as much the one as the other.

Do you mean the greater proportion in English, or about the same? About the same.

Look at that paper, (*the paper produced by the witness,*) and tell me whether it does not commence with your departure from Messina? It does not commence with that, it is in December.

Where does it commence from? From the 6th of December, which was the day her royal highness arrived at Messina.

When did she set out from Messina? On the 6th of January.

The Attorney-General of the queen desired that the memorandum might be in the hands of the witness to enable him

to answer the questions, and not in the hands of the Solicitor-General.

The counsel were informed, that the memorandum, if it was properly the subject of reference at all, ought to be seen by the witness in answering the questions by the counsel examining him, in order to enable him to answer the questions put from it.

Mr. Solicitor-General.—Produce the paper again.

The Solicitor-General of the queen advised the witness not to give it to Mr. Solicitor-General.

The counsel were informed, that the paper must be so produced as to be as much under the eyes of the counsel as of the witness.

The Solicitor-General of the queen stated that to that he had no objection.

The paper was laid before Mr. Solicitor-General and the witness.

What is the first entry? December.
What is the place? Messina.
In what language? Italian.

[Some questions and answers are here omitted, which tend merely to shew that all the entries of dates and places, in the memorandum in question, were made in the Italian language.]

Look at that paper, and state whether there is a single entry of all the places traced in that paper in the English language? No, there is not.

Does it come down to the return to Messina? It does.

And every entry from the beginning to the end is in Italian? Yes, in this it is.

Look at that paper, and tell me whether you will swear it is your hand-writing? No, I cannot swear it is my hand-writing.

Were you on board the Clorinde? Yes.

Whose hand-writing is that paper? It is the clerk's.

Pasquali? Yes, I believe so.

Was not Pasquali a confectioner in the service of her royal highness? No, not the Pasquali I mean.

Was he not one of the crew of the polacca? He was not one of the sailors of the ship, the Pasquali you allude to; there was a Pasquali in the service of her royal highness, but not the Pasquali who wrote this.

Was not the Pasquali, that acted as your servant, one of the crew of the polacca? Yes.

Do you mean to swear that that Pasquali was on board the British ship the Lion, three months ago? Yes, he was; he went down with me from Messina to La Carta, as being the pilot of the coast, and from La Carta to Cattania, where he was discharged.

What became of him in the interval, between the termination of the long voyage, and the time you are mentioning? I do not know.

What became of the polacca in the interval? The polacca, she went to Naples; I do not know exactly, I left her at Genoa.

With her crew on board? Not with the whole of the crew.

Pasquali was left behind? Pasquali went with me to Messina, he and another sailor who had been with me six years in the flotilla.

Pasquali it was who made this memorandum for you on board the vessel three months ago? By my directions.

Did you not tell us yesterday, that it was in your own hand-writing? I do not remember that I did, it was a thing that escaped my memory, I did not reflect at the moment.

When you were asked that question, was not the paper before you? It was not in my hand at the moment when I answered, and I did not reflect at the moment whether it was in my own hand-writing or not.

Now, however, you say it was not in your hand-writing, but in Pasquali's? Yes, by my directions.

Will you swear that it is not in the hand-writing of Schiavini? This is Schiavini's hand-writing.

RE-EXAMINED BY THE SOLICITOR-GENERAL OF THE QUEEN.

How long have you lived in Sicily? Eight or nine years.

Are you in the habit of speaking there the Italian or the English language? The Italian.

At the time when you went the voyage with her royal highness the princess of Wales, were you then as familiar with the Italian as you are now? Yes, perfectly, and more so.

The clerk you mentioned, you say you do not know what he was, do you know of what country he was a native? I believe he was of some part of Italy, but I do not know.

Did he speak Italian? Yes.

Did Pasquali make a copy from your log-book? Yes.

Are you a lieutenant on half-pay in the English navy? I am.

Have you been examined at any time before you came to England; have any questions been put to you respecting the conduct of her royal highness on board that polacca? No.

If you had received notice of its being necessary, could you have brought that log-book here? I should suppose I could.

Who was it made the copy from the log-book? Pasquali.

You stated just now that the paper in your hand was written by Schiavini? Yes.

When did he write it? A few days back.

What did he write it from? By dictating from the paper I had in my hand, written by Pasquali.

Carry back your recollection to the outward voyage from Tunis to Jaffa, you have stated that on that voyage her royal highness slept in the cabin; and that when you went to that cabin in the morning, when you were sent for to her royal highness, you passed Pergami in his bed; you state that on the voyage from Jaffa to Syracuse her royal highness slept in the tent; when you were called to wait upon her royal highness in that tent, had you any occasion to pass through the room where Pergami had slept before? After her royal highness had got up, I went up the ladder.

What sort of a tent was it, a double or a single tent? A single tent.

Do you recollect the breadth of the beam of the vessel? I should suppose from nineteen to twenty feet.

Mr. Solicitor-General requested that the paper might be deposited in the custody of the clerk of the house. The paper was delivered in.

EXAMINED BY THE LORDS.

Lord Kingston.—You say that you fitted up the princess's cabin, what was the length and width of the door? The doors might have been from three feet to three feet and a half wide; there were two divided.

What height? I should suppose about six feet.

What was the depth of the princess's bathing tub? I cannot state precisely the depth of it; but I should conceive from two and a half to three feet.

If that tub was laid on its side, could it be slewed in the cabin? No, I should hardly conceive that, unless both doors were open, it could; it might have gone one end of it, but the whole could not have gone in.

If both doors were open, could it have been slewed in? One part could have been got in, the half of it could have been got in, but it could not have gone the whole.

Describe the reason why, if one half of it could go in, the rest of it could not go in? Because there is not length.

Not length in the cabin? There was not length from the sofa where her royal highness slept to the door of the cabin.

What length was the cabin? The cabin on the floor, I should suppose, could not have been more than ten feet, or ten feet and a half.

What length was the princess's bathing tub? The princess's bathing tub must have been at least six feet, or nearly that.

Do you mean to say a tub six feet could not have gone into a room of ten feet and a half? But there was the sofa there.

Was that sofa immoveable? It was moveable, but it never was removed.

Was it fastened to the floor? It was; there were two sofas.

And it could not be removed from thence? It could have been removed, but it never was removed.

You are positive it never was removed? Positive, till her royal highness disembarked at Capo d'Anza.

What distance was the sofa from the door? About a foot and a half, or two feet at most.

When the doors were thrown open, the bathing tub could not be slewed in on one side of the sofa? No, certainly not.

Did you not say that the lights on deck in the tent were put out for fear of pirates seeing you? Yes, after our departure from Jaffa.

Where did the binnacle stand? By the mizen-mast.

Just before the helmsman? Yes, close to the helmsman.

Was the binnacle where the light was put in glass all round? Glass the fore-part and glass on the after-part.

Did you keep the after-part open; were you not afraid of the pirates? The fore-part was generally kept open; there was a hole on the after-side of it; also a very small hole, just sufficient to enable the helmsman to work at the compass.

On what side was the door into the princess's tent? There was no door.

Where was the entrance? It hauled up, it was not confined to the deck, by putting your hand on the lower part, you could lift it up.

When you went to her royal highness on being called, where did you lift up the tent? The after-part, close to the mizen-mast.

When lifted, could you see all through the tent, all over it? With the reflection of the light of the binnacle I could.

And you can take upon you to swear, there was nobody there but the princess of Wales? I can.

You slept on the tiller? I did.

And you also mentioned, that you could hear two people speaking? If there had been two people in the tent speaking, I could have heard them, if they had been speaking as you now speak.

How comes it you could not hear the princess speaking to you? Sometimes the wind was blowing; and the materials of the ship worked so, that I could not hear distinctly; I heard, but not distinctly, what she had to say.

Was that never the case when you were in your sleeping cabin? I never slept in my cabin from the time we left Jaffa till we got to Sicily, except one night alone.

Where did you sleep then? Over the helmsman, in my cot.

Could you always hear what was said in the tent from your cot? Not always what was said, I could hear there was a voice; but could not distinctly say what it was.

But you could distinguish whether two people were talking or not? I never did distinguish two people talking there.

If two people had been talking there, you would have distinguished them? I should have heard their voice, and known that two people were talking.

You were frequently called down to the cabin by the princess, you mentioned, to receive directions? On our voyage out I was.

Was there a light in the dining-room? Sometimes there was, sometimes there was not.

Did you ever see any one sleeping in the dining-room? At night I never saw any one there: I only knew there was a bed placed for Mr. Pergami in the dining-room, and one morning I saw him.

But you never took notice of them there at night? I never went there to see whether he was in bed or not, it was not my duty to go there.

But when you went down, called by the princess, and passed through the cabin, did you see Mr. Pergami? Only that once.

That was in the morning? Yes, it was in the morning.

Earl of Donoughmore.—When you were called down by the princess in the night did you never take notice whether Mr. Pergami was there or not? No, I never took notice; he must have been there, I suppose, the bed being placed there for him; there was a screen, I could not see whether he was there without drawing back the screen.

On the subject of these memorandums, you say that these memorandums which you have had occasion to refer to in this house, were taken by yourself out of a large paper memorandum, which you say is not the log-book; have you been always in the habit of taking such memorandums? They were taken from my memorandums by my direction.

Have you on all occasions, on all voyages, been in the habit of either taking such memorandums yourself, or of causing them to be taken for your use by some other person? For my own use.

You have always been in that habit? Yes.

On all former voyages you have been in the habit of taking memorandums, or causing memorandums to be taken for your use? Not on all occasions, I never have.

Have you been usually in the habit of causing memorandums to be taken? For my own private use I have.

You were asked why you did not bring with you the original papers in which those memorandums were first entered, instead of those extracts; to that you answered, that there were some private memorandums in it, matters of your own private consideration, and therefore you left them behind, and only made these extracts; do you mean to say so? I mean to say that the memorandums, I mean the private ones, were to a degree of speculation, as I had been a long time residing in Sicily, and had become more a mercantile person than any thing else.

You have said that you took these extracts from that larger paper of memorandums for the satisfaction of your friends; what did you mean by that, why for the satisfaction of your friends; explain what you meant by so saying? When in Sicily, I had frequent occasion to see the public papers, and having heard repeatedly that evidences were required in England, and that all the persons who had made the voyage with her royal highness the Princess of Wales would be recalled, and as I was on my return to England, I thought a memorandum of that kind would serve to refresh my memory in case of being called for

When did you first hear that account? In Sicily, in Messina.

At what period was it that that account came to your ears? To my recollection, I should conceive about three months ago.

Where were you at the time you so heard? At Messina, between three and four months ago.

Was it at Messina, immediately after hearing that account, that you made those extracts from the larger memorandum? Yes.

Was it at Messina you made those extracts, immediately on hearing what you have mentioned to have heard? On my departure from Messina I commenced making them.

Were you just about, at the time those reports reached you, to leave Messina? I was.

And then in your voyage you referred to your larger paper to make these extracts? I did.

Having brought the larger paper with you for that express purpose? The small memorandum which I brought was for that purpose.

Do you of course on every voyage take all the papers which you have had with respect to all former voyages? No.

Why did you happen to take upon that new voyage those papers referring to a former voyage? From the papers which I saw in Messina, the public papers, which governed me.

What is become of that larger paper; where is that larger paper from which you made the extract? In Messina.

You have come from Messina, and have left it at home? Yes.

Then the larger paper you made for the satisfaction of your friends, and the extract from that paper you have made on account of public reports, and conceiving you might be examined as a witness? Yes, I expected that; I thought it probable.

How long have you been a lieutenant in his majesty's navy? I have been 11 years a lieutenant.

What was the origin of the acquaintance you had the honour of having with the illustrious person who is the subject of this bill? After the siege at Gaeta, where I had served as a volunteer, I was sent to Rome with a general, who commanded Gaeta, from thence I returned to Naples, where I received private instructions from the Neapolitan government to proceed to Corsica on a secret excursion, to make inquiry respecting the situation of Murat, the Ex-King of Naples; then after having sacrificed myself four nights and four days in continuing in the

woods among the Corsicans, to gain intelligence respecting Murat, I returned to Naples; having delivered those reports which I had gained to the Prince of Hesse, I returned to Messina. The gun-boat which I then was serving in, had orders to proceed to Corfu; but before the wind permitted for her to sail, Captain Briggs came in in the Leviathan, and I was presented by Captain Briggs to her royal highness; from that moment her royal highness inquired what I was going to do, and as I had nothing particular to do, she invited me to proceed on the voyage with her, which I did.

You mentioned, that her royal highness gave you the command of the polacca? She did.

Do you mean by that to say, that her royal highness gave you the entire control of that vessel? When I say she gave me the command of the vessel, I conceived that every person on board rated to the crew were subordinate to the orders and instructions I might give from time to time.

Do you conceive, or not, that her royal highness, in giving you the command, gave you the entire control of that vessel? I conceived so.

Had you not settled, before the voyage, where each person was to sleep during the voyage? Does the question allude to the crew.

Not the crew, but the passengers? Certainly I had, after the ship was hired.

Did you not consider the whole ship and the crew, so far as the voyage was concerned, as under the entire control of her royal highness? Yes, under the control of her royal highness.

Do you not therefore consider, that whilst her royal highness was embarked on board that polacca, she had a right to conceive that she was mistress of that polacca, as much as she was of any house or palace in which her royal highness might reside? Most assuredly I conceive so.

The ship was hired by yourself, and all the persons were paid by you, were they not? They were

Must they not have conceived, that they were to look up to no person but her royal highness during that voyage? They had to look to her on all those occasions, but all the orders that her royal highness gave from time to time to me, were generally represented by me as much to the captain as any other persons on board.

Did not you therefore consider, that in any thing that her royal highness chose to do, any conduct that her royal highness chose to pursue while on board that polacca, she must have considered herself equally free from any interruption, as if those transactions passed in any house or palace of her own? Yes.

Whilst the tent was upon the deck, do not you conceive that the crew would take particular care not to incommode her royal highness during the night, by passing too near that tent? Not without the occupation of the ship required it, they would not have done it.

Therefore, speaking of yourself, who had the command, and speaking of your opinion of all the rest, you conceive that every possible pains would be taken by all the persons on board to prevent giving her royal highness the least possible interruption? Certainly.

Her royal highness it appears paid the captain for his vessel? Yes.

The question is not meant to reflect upon yourself, but did you receive any remuneration, and what, for the time you passed on board that vessel, the polacca? For my own trouble, do you mean?

Being as if in the family of her royal highness during that voyage,

did you receive any and what remuneration from her royal highness? On my departure from Sicily no arrangement was made for me, nor did I expect it; on my arrival at Tunis, her royal highness sent me a sum of money; I do not know the sum, but I believe I was allowed 200*l.* a year; that sum I rejected at first, stating, I did not join her royal highness for any interested motive.

You had rejected that sum at first? Yes.

Did you afterwards think you were justified in receiving compensation? I was informed that I should give offence to her royal highness by not receiving it.

What was the compensation that you received? I believe, to the best of my recollection, it was 200 dollars; I cannot be certain.

Is that all you have received? I did receive some afterwards, until I left the polacca at Genoa.

The question is not what your received at any particular period, but state all you received, and the different times you received it, as far as you recollect? I believe myself to have received three times only the sum of 200 dollars each.

State the particular times, as far as you recollect, of having received each of those sums? The period I cannot recollect; but I believe my memory is so good as to enable me to remember the places where I received it; they were, Tunis, Constantinople, and St. Jean d'Acre.

All you received was during the voyage? Yes.

Have you received any thing since the termination of the voyage? No, I have not.

You talked of 200*l.* a year salary, is there a salary of 200*l.* going on besides? No, there is no salary; the sums I received at different times were all.

You have no salary? No.

Nor do you expect any? No.

You are not at present of her majesty's family? No; nor was I after the ship reached the port of Genoa.

How long have you been come over here? I have been here about a month, I believe.

Were you summoned to appear before this house? No, I was not.

Did you come to offer yourself as a witness, thinking you had something material to communicate? I presented myself to her majesty, as having been upon the voyage with her, nothing more than that.

What was the whole sum you received from her royal highness? The three different sums I have spoken of, I believe to have been 600 dollars; 200 dollars each time.

You seem to have been more particular in your observations in the voyage outward, than in the voyage inward; that is, you have been able to speak more to the particulars with respect to where Pergami slept, and appear to have made stronger observations with respect to what passed in the voyage outward, than with respect to what passed in the voyage home, what is the reason of that? I can only speak from this, that going out, I had more occasion to see Pergami, as we generally dined in a place where I saw him every day.

Perhaps you were more in the habit of seeing him? I had frequent occasions of seeing him, daily and momentarily.

In the voyage outward, you have said very decisively where Pergami slept, you have sworn positively that he slept in the dining-room? Yes, I saw him there.

Why are not you able to speak as positively as to the sleeping-place of that person in the voyage homeward, as you were in the voyage out?

Because her royal highness having slept on the deck, I had not so much occasion to go down to the bed-cabins below.

You were able to swear, from your positive knowledge, as to where he slept in the voyage out? Yes.

How does it happen that you are not able to make a belief as to where he slept in the voyage home; what was the length of the voyage, a month? I never went into those apartments, nor drew back the skreen, to see whether he was in bed or not; the skreen was there during the whole voyage out and home.

You were the person who distributed the births, and appointed the sleeping-places of the different individuals in the voyage out; why did not you take the same pains in the distribution of the births in the voyage home?

The Solicitor-General of the Queen submitted whether this question was not in an improper form, as assuming that which the witness had not said.

Did you make a distribution of the sleeping-places of all the passengers in the voyage outward? Yes.

Did you make the same distribution on the homeward voyage? There was no occasion; the bed which I gave him on going out, was the place he had in coming home to sleep in; whether he slept there or not I do not know.

You have stated, over and over again, that you do not know where he slept upon the voyage home? I do not.

How is it that as you are so competent to form the negative idea, that is, where he did not sleep, you are not able to state where he slept during that voyage of a month; how is it you feel yourself competent to give the decisive declaration you have given, that he did not sleep under the tent?

The Attorney-General of the Queen objected that this was not a proper question.

The witness was directed to withdraw.

The counsel were directed to withdraw.

An observation having been made to the manner in which the Attorney-General of the queen had objected to the question;

The counsel were again called in; and the counsel for the queen were informed, that the mode of objecting on the part of the counsel to any question which might be offered by a lord to the house was, by requesting leave, through the house, to make objection to the same.

The witness was again called in.

Having sworn, on your direct examination, that you did not know where Pergami had slept on the voyage homeward, account how you are enabled to form at once a belief as to the negative, namely, where he did not sleep, that is, under the Tent?

The Attorney-General of the queen prayed leave to submit an objection to this question, and stated that in the introduction to his former objection he had meant no disrespect to the house.

The question was proposed to the witness.

On the times that I have been sent for, or called for, by her royal highness, I never did see him there.

You have said, on your direct examination, that, in the day-time, you have seen Pergami sitting on the iron bedstead in the tent? I have.

You have seen him sitting on the bedstead in the tent? I have; and I have seen other persons.

Then having seen Pergami sitting on that bedstead in the day-time cannot be a reason for conceiving he did not sleep in it at night? I have no other reason than having been frequently called for on our return from Jaffa by her royal highness, to know how the weather was; I have opened the tent frequently, I do not know the number of times, and have never seen him there; had he been there, I certainly should have seen him, from the light of the binnacle.

You said something with respect to the fear of pirates, and of putting out the lights in consequence of that fear? I did.

Extracts being read from the evidence of yesterday, the witness was asked,

When was it that you received the information respecting pirates? At Milo.

When was it, in consequence of that information, you began to take away the light? After we had left Jaffa.

You first heard the report at Milo; and it was after you left Jaffa you began to take away the light? Yes, the information was there confirmed.

You have mentioned that you have gone into the tent at night when you have been called at night? I have never gone into the tent.

Have you gone to the door? To the opening.

That you lifted up the tent so as to see her royal highness? I opened it, or lifted it up, so as to look in.

How was her royal highness dressed? She was dressed.

Lying on the bed dressed? Yes.

Earl Morton.—You have stated that, on board of the polacca, the binnacle was glazed, both on the side next the steersman, and on the opposite side? Yes, or that there was a drawer or slide, I am not positive which.

You have stated, that it was by the light of the binnacle that you saw the interior of the tent, when you lifted up the curtain, or opened it? Yes.

Was it by the light of the side next the steersman, or the opposite side? It must have been from the light on the opposite side, or from both.

Did not the light from the opposite side of the binnacle strike full on the side of the tent when it was closed, so as to render it visible? It did.

You have stated, that you caused lights to be put out, from an apprehension of being seen by the pirates? I have.

Was that issue of light, on the opposite side of the binnacle, necessary for the steersman? It was not.

Then how came you not to conceal it, in order to prevent the reflection upon the tent being seen by the pirates? It is necessary to give vent to the light in the binnacle, or it will not keep in.

Is it not usual for a binnacle to have air from the top? It is; but when it had not sufficient, it was allowed in other parts.

Lord Colville.—State to the house, whether you do not think there would have been very great danger of the light in the binnacle being blown out, if it was left open in the manner you describe in the fore-part of it? If it had been left entirely open, there would.

If there was a shutter, as usual on the fore-part of the binnacle, might it not have been left sufficiently open to admit of air, without any considerable light issuing from it? Yes, and sufficient light to allow me to look into the tent, as it was so near.

In the course of your experience as a seaman, have you not always observed great pains taken to prevent any light issuing from binnacles at all at sea? I have on board king's ships; but on board such a vessel as this there was not all those conveniences that are required.

What is meant by the word conveniences there? That it had not a regular funnel to lead the smoke from the light which there generally is on board a man-of-war; that there were holes penetrated in a piece of lead, which did not admit sufficient air.

Were you correctly understood then, in the early part of your examination yesterday, to have stated, that you were captain or master, or in charge of that polacca, during the voyage which her royal highness the Princess of Wales made in her? Yes, by her royal highness's direction I took the command of the vessel.

Can you state whether or not you had the means on board that vessel, under your direction, of having a few holes perforated in the top of the binnacle, or a small funnel let into it, so as to enable the light in that binnacle to burn all night, without exposing the vessel to the risk she run, with so illustrious a personage on board, from the piratical vessels you describe to have been hovering about you? I had not the fitting up of the ship, excepting that part which was made up for the convenience of her royal highness, and did not particularly observe, that there was such a thing wanted until it actually was wanted, or if I had I should have done it.

Was the navigation of the polacca in that voyage intrusted to you, the shaping the courses, and keeping the ship's way? Yes, I kept the ship's reckoning myself; it was kept also by the captain and the mate.

By whose reckoning was the ship steered or conducted? Generally speaking, I believe my own.

Be so good as to state more explicitly by whose reckoning the ship was navigated from land to land? We compared our works, and we divided them, and the course was then distributed among the three works, and the course was shaped from those works.

After comparing the respective reckonings with each other, who gave the directions for the course to be steered subsequently? Myself to the captain, and the captain gave it to the other subordinate quartermasters.

You being charged with the navigation of the ship, how do you explain your having said, that the fitting up of the binnacle was but a trifling matter, or something to that effect? I mean to say, that the charge of the ship was not given to me till I left Augusta by her royal highness; I had the order to fit the ship up, but I had not the command of the vessel until we sailed from Augusta.

Did the vessel not possess the means of rectifying any defect in the binnacle when at sea? If it had been distinguished, it certainly would have been, but I did not observe it until the boots of the pirates.

As it appears by your statement, that there were two captains, or two masters, on board the polacca during the voyage alluded to, state to the house who was the regularly constituted authority, having charge of that vessel, her stores, provisions, &c., and responsible to the owners of the vessel for the same? The part owner, who was the captain, I believe; I had nothing to do with the stores, or the victualling of the crew; when I hired the vessel, the victualling of the crew was to be paid by the captain.

State the name of the captain, if he sailed in the ship? Gargiulo.

Whose duty was it to keep the log-book of that ship during the voyage alluded to, the log-book kept in all merchant ships? The mate or the pilot; he is termed pilot in that country.

Was the log-book actually kept by that person? I do not know.

In what book was the ship's reckoning inserted? By the chart.

In what book was it inserted? In the general log-book, I presume.

But do you not know who kept that log-book? I do not.

Was the tent which you have alluded to, on the deck of the polacca erected by your directions? First by those of her royal highness, and afterwards by my own.

Were the directions to the sailors to erect that tent given to them by you, or by any other person? They were given by myself.

In consequence of the princess's directions? Yes.

Can you inform the house the dimensions of the tent; its length, and its breadth, or nearly so? It is impossible I can state the length of the tent, but it was from the mizen-mast to the main-mast.

Did the after-part of the tent, or that next the stern of the ship, touch the mizen-mast? Close to it.

Was it fixed to it? Yes, the ridge-rope was fixed to it.

Are you unable to form any idea of the length of the tent, as you must have some notions of the extent of the ship? I did not measure the precise distance, but I should conceive between the mizen-mast and main-mast there must have been a distance of twenty-two or twenty-three feet; perhaps more, but I cannot be precise.

Are you to be understood to state, that the tent must have been nearly twenty feet in length, or thereabouts? Yes, I should suppose it was.

You stated, that the breadth of the ship, in that part of it, was somewhere about nineteen or twenty feet? Yes; but I cannot be precise, for I never measured it.

How much less than the breadth of the ship was the breadth of the tent, do you suppose? I should consider about a foot, for it hauled out to the rigging on each side.

In reference to the mizen-mast of the polacca, where did the binnacle stand? By the mizen-mast.

Before it, or behind it? Abaft it; it could not be before it on account of the tent.

Are you rightly understood, that the whole of the space inside the tent was sufficiently illuminated by the light of the binnacle to enable a person looking into the tent by lifting up a part of it, as you have described, to see every object in that tent? Yes.

Are you understood rightly to say, that the communication by the companion-ladder, which led from the interior of the tent into the dining-cabin, was always open by night? The passage was open, but the tent covered the hatchway.

What space of time do you conceive was necessary for a person to occupy in descending from the tent to the dining-cabin by that open

communication? Speaking of myself as a sailor, I could do it in a second.

How many persons did the crew of the polacca consist of? Twenty-two.

As the navigation of the polacca was intrusted to you, perhaps you can inform the house, how many of those twenty-two sailors were in the habit of going to the helm in their turn? I believe three, I never knew of any more.

How often were they relieved? They performed the whole watch, four hours, exclusive of the two-hour watches, which fell from four to six, and from six to eight.

Earl Grosvenor.—You have said that you did not know where Pergami slept on the return voyage from Jaffa; do you know where Hieronimus, or any other of the princess's suite, slept during that time? I know where Hieronimus slept.

Where did he sleep? The foremost cabin, on the larboard side.

Do you know where Mr. Austin slept? He slept on the opposite side.

Any other of the suite? Mr. Hownam on the larboard side, where I slept myself; Count Schiavini and the doctor on the opposite side.

Can you account for your not knowing where Pergami slept, though you knew where all those members of the princess's suite whom you have mentioned slept? Those persons who slept without the dining-room, I had an opportunity of seeing before I went upon deck, and bade them good night frequently on such occasions.

Have you any other reason? I have no other reason.

Lord Falmouth.—When you said that your memorandum was written by your clerk, and afterwards copied by Schiavini, what did you mean; explain that? I explained that it was written by my dictating.

Do you mean one and the same memorandum you have produced in court now? It was copied from the one I have dictated by myself.

Is the document from which Schiavini took that which is in court now in existence? The one I presented was written by Schiavini himself.

Is the document from which Schiavini took that which is in court now in existence? No, it is not.

Did you mean that your clerk or servant took the first copy, which you brought to this country? Yes.

And that you gave it to Schiavini, who wrote from it the copy you now produce? No, I dictated what he wrote.

Then Schiavini did not write from your original copy of the log or memorandum? From what I dictated he did.

That paper now in court was dictated by you? From the original I brought from Sicily.

Then you did bring the first copy with you from Sicily? Yes.

Is that copy now in existence? It is not.

What have you done with it? I destroyed it.

What was your reason for destroying it? Because it was written in such bad Italian I did not wish it to be presented.

It was written in Italian wholly, not partly in Italian and partly in English? All in Italian, and very bad Italian.

Are you sure that that was a true copy which you brought to England, of what you extracted in Sicily from your original log or memorandum? Yes.

Did you not state, that when you took that copy first it was partly in Italian and partly in English? I do not recollect to have done so.

Do you mean to state, that the original log was written partly in English and partly in Italian, or that your original copy was written partly in English and partly in Italian? The original was written in English and Italian.

How was the original copy written? In Italian.

Earl of Lauderdale.—When was that memorandum which you brought from Sicily destroyed? I do not remember the day.

Can you say within a few days? No, I cannot; I should think five or six or more days.

Did you destroy it the same day that you dictated this new document to Schiavini? Yes, immediately after.

Did you ask Schiavini to write it for you, or did Schiavini begin the conversation which led to his writing it with you? No, I asked the question.

Where did you find Schiavini? At her majesty's house.

Do you live at her majesty's house? No, I do not.

Are you frequently there? I have not been there for five or six days.

Had you had conversation with Schiavini about this memorandum before? No, I never had.

Then you went to the house to get Schiavini to copy it, and then immediately destroy the original? Yes.

Marquis of Buckingham.—Can you swear that every time you looked into the tent you saw the princess? Every time I looked into the tent at night, I saw her.

After the rumour had been reported to you respecting pirates hovering about you, did you take any means to diminish the light of the binnacle? Sometimes there was a flag thrown over it, sometimes there was not.

Sometimes the light of the binnacle was masked? Not entirely masked, you could see through the bunting.

Upon those occasions did it ever happen to you to look into the tent, when the light of the binnacle was masked in the way you describe? I do not recollect, but I rather think it did not, for the light of the binnacle was so low on the deck that there could be no danger of their discovering it, for the binnacle was not above a foot and a half off the deck, and the bulwark of the ship was very high, so that they could not possibly see the light of the binnacle; the light from the binnacle could not be seen, when the light from the tent would have been.

How did you open the tent, by lifting it up above your hand, or by opening it? By lifting it up.

You did not lift it up high enough to get into the tent? No, I did not pretend to go in.

But only to look in? Only to look in.

You said that when the births were originally arranged below, Pergami slept on the outside of the cabin? Yes.

He afterwards removed into the inside of the cabin? Yes.

Was there a regular sleeping place made up for him by a screen? Yes.

A canvass screen? Yes.

Was it rolled up during the day, and let down during the night? I have always seen it drawn in its proper form, so as to cover the bed.

So as to form a sleeping-place for Pergami? Yes.

By whose orders did you shift Pergami's birth? I did not receive any particular orders; there was an order given to prepare a cabin for the surgeon that came on board at Tunis, and a cabin was given to him;

the cabin which was given to the doctor was not Pergami's, but Count Schiavini's was given to the doctor, and Schiavini took that of Mr Pergami.

How came Pergami to be removed into the cabin? I do not know; he was removed there; I conceive there were no other orders but the desire of her royal highness to remove him there; I do not know by whose orders he was removed, I shifted the birth, by my orders the birth was made up there.

Did you receive orders to shift the birth from any body, and from whom? I believe to have received it from her royal highness, I cannot be positive; I remember that a birth was requested to be made up in the cabin, but I did not know at that moment who it was for, and that a cabin was to be prepared for the doctor, which it was.

Was it on the larboard or the starboard side of the ship? On the starboard.

In the course of your evidence, you have mentioned a tub which her royal highness used for bathing; do you know whether she ever did use it for bathing? I know that water has been for that purpose; I do not know that her royal highness used it for that purpose, but I have every reason to believe she did, from having heard so.

Where did that tub usually stand? I have seen the tub in the dining-room.

On which side? On the starboard side.

Duke of Clarence.—How many years were you a midshipman? I do not know precisely, I believe seven or eight years.

How many years were you in the king's service, before you were a lieutenant? I believe to have been eight, I do not know.

If you have been eight years a midshipman, and 11 years a lieutenant, you have been accustomed to the sea for 19 years? Yes, certainly.

Describe the make of this binnacle? It was a small case with two compasses, one on each side, and in the centre a light for the steersman to look to, and on the foreside I cannot be positive whether it was a glass, or whether it was a door; it was something of that kind, but I cannot be positive which.

How was the light shewn forward? There was an opening, the front of the binnacle.

Was that opening of glass or wood? I cannot positively say, but I believe it was of wood.

If it was of wood, did it move up or down, or athwart-ships? Athwart-ships.

You having stated that it was advantageous for the safety of the vessel that as little light should be shown upon deck as possible; from your knowledge and experience of 19 years, could you not have so arranged that binnacle, though at sea, as to have kept the fore-part covered, so that the light should not have been produced forward? By closing up the front-part, the light would not have kept in.

Could you not, as a seaman, have found a means of having let the smoke out, and yet have confined the light from being seen forwards? By making larger holes in the top of the binnacle I could have done it.

If you conceived that the safety of the vessel depended upon the light being as much confined as possible on board, why did you not then make those holes to prevent light being seen on deck? It would then have admitted the water to have fallen on the light in the binnacle, as it was directly over.

What water? The rain or sea.

What was the upper part of the binnacle through which part of the smoke must have gone out? Lead.

Was that part flat, or was it at all raised? It fell in rather.

Did you, in the 19 years you have used the sea, ever see a binnacle where the lead fell in before? On board the ships in the Mediterranean they are obliged to have a part in the front of the binnacle open to trim the light, as it is always a lamp.

The question is, why is the lead, instead of being as in a British man-of-war, where the lead is elevated into a funnel, the reverse way in those vessels in the Mediterranean? I found it so when I went on board; and when it was necessary to be arranged, I had not the means of accommodating it.

Where did you go on board this vessel first? In Messina.

Do you pretend to say, in the port of Messina, you could not have altered so material a thing as the binnacle of a ship, previous to her sailing? No; had I observed such a thing to be wanting, I should certainly have done it; but I did not observe it.

Do you conceive that, having charge of that ship, under the Princess of Wales, you did your duty in not having examined that binnacle? I had not charge of the ship at the first moment.

When had you charge of the ship? After I left Sicily.

How many days were you at sea before you touched in port, after sailing from Sicily? One night only.

Where did you hear of the pirates? We heard of pirates at Milo.

Was that in the voyage up? It was.

How many days were you from Milo to your next port? Only a few hours going from Milo to Athens; but we did not put much confidence in the report of pirates till we came down from Constantinople, until we came down to the island of Scio.

Were there no means in the island of Scio to have altered the binnacle? Had we stopped long enough we might have done it.

From the island of Scio, where did you go? To Scala Nuova

How long did you lie at Scala Nuova? I do not exactly remember; I should think two days.

Could not the binnacle be altered in less than two or three days? At such a place as that I fear it would be very difficult; and I did not observe that the binnacle wanted any of my attention at that time, for I had always heard that the binnacle was in perfect and good condition, and I did not observe it.

The question refers not to the position of the binnacle, but to the positive effect of the binnacle; do you pretend to say, that in the different ports in which you were, you could not have altered the binnacle? If I had found it so materially to want it, I should have done it; but I had not observed it till the moment it was wanted

Did the binnacle stand amidships? Yes.

It stood abaft the mizen-mast? Yes, it did.

The ridge-rope of the tent was fixed to the mizen-mast? Yes.

What was the tent made of? Malta cotton, I believe.

It was made of cotton? Yes, the ship's tent.

It was the ship's tent? Yes, the ship's tent was made of cotton.

How was it fastened to the deck? It was fastened to the combings of the hatch abreast, and the part abaft to the side of the mizen-mast.

It was fastened to the combings of the hatchway? No, there were no combings of the hatchway, except that part which went down to the cabin and the skylight.

How was the tent fixed forward? It was fixed to the main-mast and to the main-rigging.

How was it fixed to the deck itself? There was another piece which joined on the front-part of the tent, and that fell down on the deck.

How was that fixed to the deck? It was lashed down to ringbolts.

How was the after-part fixed? One end was lashed, and the other part was tied down with rope-yarn against the mizen-mast.

You said you looked into the tent occasionally? Yes.

State the nature of the opening into the tent? Both the fore-part and the after-part of the tent, there are two pieces which fall down from the upper part of it, and the ridge-rope which falls down perpendicularly with the mizen-mast; it is there lashed together with rope-yarn, inlaid with rope, not the same as if you had sewn canvass to the rope, but a foot short, more or less.

You said that the hatchway was within the tent? Yes, I say so still.

Why was the light at night handed out on deck, and not handed down below? I do not remember its having been handed out of the tent; I never saw it handed out of the tent.

You stated that the princess's bedchamber had one or two doors? It was one door divided into two.

What was the length of the cabin; you say ten feet? Yes, I should conceive about ten feet.

How many sofas are there in it? Two.

How were the sofas placed? Lashed together.

To which side? To the centre of the ship.

In the centre of the cabin? Yes, from the centre of the division off towards the starboard side of the ship.

What space was there between the sofas and the larboard side of the ship; what breadth do you suppose? There might have been as much as five or six feet, I cannot positively tell, because going from the starboard is going over to the countess's room.

Suppose the double doors open, could the bathing-tub have been carried into the bed-room? There was not room for it.

You are perfectly sure of that? I am perfectly sure of it.

When the tent was put on deck, was not there an iron bedstead and a sofa placed under it? There was.

Was the sofa taken out of the princess's room? It was taken from the Countess Oldi's room.

Were the sofas cleated down in the princess's room? They were.

Earl of Balcarras.—Did your private log-book differ occasionally from the log-book of the ship? I cannot say.

Did you conceive yourself entitled to alter, correct, or confirm the regular log-book of the ship? No.

Did the master regularly report to you? He never reported any thing respecting the log.

Did he report to you on common occasions respecting the ship? Such as when it was time to observe the sun he did.

Had you ever a punishment to inflict? No.

Did he report to you, as a lieutenant in the navy, who was his superior officer? He always addressed me as the commandant of the ship, on all occasions.

Did not you find that half kind of command very inconvenient, and contrary to the good order and discipline of the ship? I cannot say I ever experienced any negligence on the part of the captain, or of the crew, to my orders.

Did you assume the command because her royal highness was on board, or by virtue of any charter-party? I assumed it by order of her royal highness, but the captain consented that I should have the entire direction as to the navigation and manœuvring the ship.

NINTH WITNESS AGAIN CALLED IN.

William Carrington further examined by their Lordships.

Lord Melville.—You stated to their lordships, when you were examined by the counsel who first examined you on Saturday last, that previously to having been in the service of Sir W. Gell, you had served in the navy, and in the capacity of a midshipman? Yes, with Sir John Beresford.

You also stated, in reply to a question which was put to you, "Were you in any other ship in his majesty's service than the Poictiers?" "No." I understood that question to apply to my having been with Sir John Beresford as midshipman; I had been in other ships before.

Another question was put to you, to which you gave this answer; you were asked what situation you had served in before you were on board the Poictiers as a midshipman, to which you answered, you had been at sea in the merchant service when a boy, then you had been on land, and had got your livelihood in the best way you could? I did; I understood the question to allude to my being with Sir John Beresford; I was in other ships before that.

Is that last answer correct? Yes.

Then the very next question is as follows; "You are to be understood, that you were never in his majesty's service before?" to which you answered "No?" I understood with Sir John Beresford; I understood it entirely alluded to Sir John Beresford, during the time I was a midshipman under him.

When you were asked those two questions as to having never been in any ship before the Poictiers, in his majesty's service, and you answered "No;" that answer in point of fact was not correct? No, it is not correct; I was in other ships before I was under Sir John Beresford.

State to their Lordships in what situation you were immediately before you went to the Poictiers. I was quarter-master in the Majestic.

You served on board the Majestic before the Poictiers? Yes, I did.

Had you ever served on board any other ship? I served in the Railleur before the Majestic, with the same captain, Captain Collard.

Have you ever served in any ship besides the Railleur, the Majestic, and the Poictiers? I think I was a few months on board of a brig, but whether I was on her books I do not know; the first pay I received was on board the Railleur.

Have you ever served in any other ship in his majesty's service besides those you have mentioned? Never.

Did you enter voluntarily, or were you pressed? I was pressed.

Is the house to understand, you served as midshipman in any of those other ships? No; I served as quarter-master all the time I was on board the other ships, or gunner's mate.

You stated, that you had been at sea in the merchant service when you were a boy, then you had been on land and got your livelihood in

the best way you could; for what period were you on land? I was bred and born on the sea coast, I was sometimes on land, sometimes in boats, and sometimes in a merchant vessel, or a coasting vessel,

You were in the merchant service when you were impressed? I was in a boat when I was impressed.

A boat belonging to a merchant ship? Belonging to a coasting vessel, or belonging to the ordnance service.

How long had you been in the merchant service? I do not really recollect; I always got my living in that kind of way from a boy.

You have stated, that you had been at sea in the merchant service when you were a boy, and then you had been on land? You may call it on land; I was at different parts on land, but always by the sea coast.

You were impressed from the merchant service, into his majesty's service? Yes.

How do you reconcile that with what you have stated here, that you were in the merchant service, and then on land, and got your livelihood in the best way you could? The land consisted of fishing and piloting; in the harvest time I sometimes worked on land, and sometimes on the sea.

You have stated in reply to a question, "Why did you leave the navy?" that you did not like the sea, and Sir John Beresford got you your discharge? Yes.

You were asked, "You are perfectly clear in your own mind that you left his majesty's service for no other reason than at your own request?" to which you answered, "Nothing else"? Yes.

How long had that dislike to the sea been upon you? I had often been promised promotion, to get a gunner's warrant; but I never got it during the time I was in the Majestic: when I came into the Poictiers, I was also told that I should have promotion; but I never got it till the latter part, when Sir John told me I was to be upon the quarter-deck; I told him I did not wish to be on the quarter-deck, for I had no friends or money to support me on the quarter-deck; that I would wish to leave the service if it could be got.

As far as you know of your own knowledge, it was at your request only you were discharged, and not at the request of any other person? Not at the request of any other person; at my request, as far as I know.

You never heard that Sir W. Gell had asked your discharge? I saw Sir W. Gell when he first came passenger on board the Poictiers, going to Lisbon; he came home passenger in the same ship; he saw me on the poop; he asked me many different questions respecting the ship, and also for a spy glass to look at a ship in the convoy; it was not a very good one; he sent me down to get his, which I did; and another circumstance happened—I was standing by the wheel at the gun, and he called me into his cabin, which was under the break of the poop, to put on the half port to prevent the water coming in: there were many other little things he asked me to do in the cabin, as he had no servant: when he drew near the land, he said, I am very much obliged to you for your attentions to me during the voyage; I cannot give you any money, but if there is any thing I can do to speak to Sir John Beresford, I shall be very happy to do it; I said, there is nothing you can do for me with Sir John Beresford but to ask him whether he can get my discharge, as I am not capable of appearing as a gentleman on the quarter-deck, which I understand I am to be, and I had rather leave it; he told me, you ought to consider it well—what will you do when you get on shore? I told him that I would prefer any thing rather than

stopping in the navy in that sort of way; that I had no means of supporting myself as a gentleman. He said, consider you are now rated as an officer; I said, I understand that, but I cannot support it, and therefore I had rather leave it: he said, are you sure that you had rather leave the navy, and that is the thing you would wish to be asked; I said yes, that is it: he said, I will ask you to-morrow morning, and you will consider about it more, if you are sure you had rather leave it than remain as a midshipman on board: the next morning he asked me again, and I told him the same—that I had rather leave the navy; he mentioned it to Sir John, and Sir John said yes, he certainly would do it, there was no difficulty. When we came to Portsmouth, we lay there some time; I heard no more of this for some time, till at last Lieutenant Alcock, the commanding officer of the ship, called me upon the quarter-deck, and said, here is something concerning your wanting your discharge from the navy—what is it you mean? I told him what I had said to Sir W. Gell concerning Sir John; he said, you must be mad to go to leave the navy now, now you have got what you have been looking for; I said, it is true I have got it, but I have not the means of supporting it, and I had rather be discharged than remain as a midshipman without any support to appear like a gentleman as the others do: he said, you must be mad, it cannot be so; I shall write to Sir John to say you have altered your mind, or something to that purpose: I said, pray do not do that, for that is my mind and my wish, and I shall write to Sir W. Gell to ask Sir John to remember his promise, which he did. After that Sir William and Sir John met, and they thought it was something very mysterious; Sir William said we will prevent it; we will send a man down: there was a man sent down to know whether it was my wish, as I had stated before, which it was: there was an acting captain sent, Captain Jones I think it was, on board the Poictiers, who gave me a ticket of leave of absence, told me I was to go to London to Sir John Beresford, and there to receive my orders, which I did. After I came to London, Sir John told me, you are in the same mind, that you wish to leave the navy; I said yes, it is my wish; very well, he says: he ordered me to stay for a few days, and then, when I went to him again, he said, you are to go down to the Thisbe, and ask for your papers, and then come to me again: I went to him: I believe he sent a letter, whether he sent the letter by me or by the post I am not certain, to the commanding officer. I went to the Thisbe; they told me there were no papers there for me, and they knew nothing of my name at the present: I went back to Sir John; he told me, it is of no consequence, you remain as you are, and go where you like; if you choose to go into service or any where, nobody will trouble you; if they do, you will apply to me, and I will give them an answer. After which he gave me a written certificate by his own hand. After I had been abroad two years or better with Sir W. Gell, I saw Sir J. Beresford again; I told him I had not received the last pay I had due from the Poictiers; he says, that is very odd, I will give you a letter to a gentleman in Somerset-house, and you will go and receive your pay, which I did; and I have never been asked any questions about the navy since, till I came before your lordships.

After having made the statement you have made to the house, do you still adhere to your former answer, that, as far as you know, no other person had asked your discharge? No other person to my knowledge.

Are the house to understand that Sir William Gell did or did not ask your discharge of Sir John Beresford? He told me he would ask Sir

John any thing that I wished to have done for me; I told Sir William Gell that that was the thing I wanted.

Are you acquainted with Sir William Gell's hand-writing? Yes, I think I am.

Did you ever see him write? Yes.

Do you think you should know it? I think I should.

(A letter was shewn to the witness by Lord Melville.)

Is that Sir William Gell's hand-writing? I think it is his hand-writing, I am not certain.

Do you believe it to be his hand-writing? I cannot say, Sir William writes different hands; I think it is his hand-writing, but I am not certain.

You are understood to state, that you did not, in point of fact, get a regular discharge? I had nothing further than that given me by Sir John Beresford.

Was that the paper? Yes, one written by his own hand, and a printed paper.

Duke of Clarence.—You have said you had never been in any other ship in his Majesty's service than the Poictiers? I understood with Sir John Beresford.

You stated you were in the Railleur and the Majestic, were you turned over from the Railleur into the Majestic? I was.

Did you do duty as midshipman immediately on joining the Poictiers? No, as quarter-master.

Did you not state that you did duty from the beginning on the quarter-deck? No, that I was led to expect promotion.

Marquis of Lansdown.—When you stated that you were perfectly clear in your own mind, that you left his majesty's service for no other reason than your own request; did you mean that you considered the request which appears to have been made by Sir William Gell, to have been made by your authority? By my authority or by my wish.

Lord Colville.—Upon your last examination you were asked, are you positively sure that from the time you joined the Poictiers you were rated midshipman? I said I did not know I was, I was midshipman when I left it, as I saw in my ticket.

It appears by the minutes, that the answer you gave to that question was, I am not certain, whether I was rated at that time or not, I was rated at the time I left it, which I saw upon my ticket, state what ticket you have alluded to? To the ticket of leave of absence, and to Sir John Beresford's certificate which he gave me under his own hand.

You do not allude to a pay ticket? No.

But a certificate? Yes.

You have stated you received your pay at the Pay-Office, at a subsequent period? I did.

Were you paid by any voucher produced by yourself? Sir John gave me a letter to a gentleman in Somerset-house, this gentleman sent a porter round to the different places where I was to go, and I received my pay.

Do you mean to say you do not know on what voucher you were paid? I had no papers, I never saw any papers after I left the Poictiers.

Did you ever act as midshipman on board? I never kept regularly watch, for I had no clothes nor no money to appear as a gentleman on the quarter-deck.

What duty did you do? As quarter-master, until I was told, I was to be on the quarter-deck, and I remained some time, and did no duty as I had no clothes.

Did you stand in any immediate relation to Sir John Beresford, the commander of the ship? I am no relation certainly.

Or personal attendance? None.

You were not his servant? Never.

You have said, that when you were in the merchant service you sometimes got your living on the water, and sometimes on the land, either by fishing in boats, or working, or piloting? Yes.

Lord Exmouth.—Where were you born? I was born in St. Oswyth, near Colchester in Essex.

Is it from Colchester you mean, you got your living in a fishing boat, and went in a coasting vessel sometimes? Yes; from St. Oswyth, near Colchester.

Was that port your usual residence, until the time you were impressed into his majesty's service? It was.

Lord Ellenborough.—When you were last examined, you were asked what situation you had served in before you were on board the Poictiers as a midshipman, your answer was, I have been at sea in the merchant service when I was a boy; then I lived on land, and got my livelihood in the best way I could. The next question is this, You are to be understood that you were never in his majesty's service before; to which the answer is, No. Are you to be understood that you now swear that you considered that second question immediately following the first, which has just been read, to refer not to your service generally on board his majesty's ships, but to your service in a ship with Sir John Beresford? I understood it to allude entirely to Sir John Beresford, and to my service as a midshipman on board the Poictiers.

The following question was put at the request of the Attorney-General of the queen.

Were you ever dismissed from any of his majesty's ships in which you were for misconduct? No, never.

Were you ever charged with any misconduct in any of those ships? Never.

You never were punished for any misconduct? Never.

Had you any quarrel with any of the officers, or any persons on board his ship, that you wished to conceal? Never.

Had you, in point of fact, any thing to conceal in any one of those ships in which you had the honour of serving? Not one.

Have you always given satisfaction to all the officers under whom you have served? Yes; which Sir John Beresford will state.

Have you always received certificates of your good conduct from the different officers on your leaving those different vessels? Yes; I have been always recommended in the best manner, on my leaving those vessels, from the one to the other.

Have you those certificates with you? I have not.

The witness was directed to withdraw.

The Attorney-General of the queen stated, that, in the examination of the witness on Saturday, Doctor Lushington had turned over a leaf of his brief, and had omitted to put a question which was material; and therefore he begged leave now to

N. C. TINDAL ESQ^R.

One of Her Majesty's Counsel.

Sketched by A. Wivell *& Engraved by* T. Wright

London, Published by Thos Kelly *17 Paternoster Row Apr.^l*

propose it; namely, whether or not he did not know, of his own knowledge, that previous to her royal highness arriving at Naples, on the journey to Naples, William Austin slept in a room apart from her royal highness, at least more than once, he himself having made William Austin's bed on that occasion.

Doctor Lushington explained the circumstance of his having turned over that part of his brief.

The counsel were informed that they might propose the question.

The witness was again called in, and the following question was proposed by their lordships at the request of Dr. Lushington:

Upon the journey to Naples did you ever make any beds? I have assisted in making them.

Have you ever made the bed of William Austin? I have assisted in making the bed of William Austin.

Was that bed made in her royal highness's bed-room, or in another? Sometimes it was, sometimes it was not; where there was room enough, it was not; where there was not, it was.

The following question was put at the request of Mr. Attorney-General.

Can you undertake to say you made William Austin's bed out of the room of her royal highness the princess more than once, or only once, in the journey to Naples? I made it more than once or twice; I do not recollect how many times.

Do you recollect the places where you so made the bed? I think the first time I made it was at Domodosora, I think, but I am not certain.

Where besides? I do not recollect exactly the places' names, it was on our way through Italy.

Earl of Lauderdale.—When you made William Austin's bed, was it a single bed in the room, or was there another bed in that room? There were generally beds belonging to the house in that room; but this was one bed, his travelling bed.

There was another bed belonging to the house in that room? Yes.

Was that made up at that time? No, I do not think it was.

In that room you only made up William Austin's travelling bed, and the bed in the room was left unmade that night? It was left there; I do not know whether it was made or not: I never saw it made any use of.

SEVENTEENTH WITNESS.

Then Lieut. *Joseph Robert Hownam*, R. N. was examined by Mr. Tindal.

Are you a lieutenant in his majesty's royal navy? I am.

How long have you been a lieutenant? Since the early part of the year 1809.

Where do you live at present, where are you settled? At Rouen, in France.

Are you married and settled there with your family? I am.

Did you at any time join the party of her royal highness the princess of Wales? I did.

When was it you so joined her? In the month of April 1815.

Where was her royal highness at that time? At Genoa.

How long did she remain at Genoa after you had joined her? About six weeks.

Do you remember at any time while you were at Genoa, any disturbance happening in the course of any night? I do.

What was the nature of that disturbance? It was supposed that the house was broken into.

Was there any general alarm made in the night-time? There was.

Did you get up in consequence? I did.

Where did you go to? I went into the great hall.

Who was the first person you saw upon that occasion? The first person I saw was Pergami, who came into my room.

Did he give you the alarm? He did.

Had he any thing in his hand at the time? He had a candle, and, I think, a sword.

Did you, after the alarm so given, go down? I was on the ground floor, my door opened into the hall.

You went into the hall? Yes.

Whom did you find assembled in the hall when you got there? I found the princess and many of the servants.

During the time you were at Genoa, did you ever breakfast with her royal Highness? Never.

Have you ever seen her at breakfast? I have.

At the time you saw her at breakfast, was Pergami breakfasting with her? He was not.

Did you ever know him breakfast with her at Genoa? Never.

Were you in the habit of dining with her royal highness whilst at Genoa? Every day.

Did Pergami dine at her royal highness's table any day whilst at Genoa? Never.

Do you recollect at this moment at what place it was that Pergami first began to dine at the table of her royal highness? I do not recollect the name of the town, but it was in a journey over the St. Gothard.

Do you recollect the date of that journey? It was in the month of August.

Do you mean the month of August of the same year? 1815.

You say, the first time of the dining was on the journey, did Pergami continue to dine regularly from that time, or did he begin to dine regularly at a subsequent time? He did not dine regularly after that; he began some time after that.

What was the place of residence of her royal highness at the time he so began? The Villa d'Este.

Do you recollect to what place her royal highness went after she left Genoa? To Milan.

Do you remember when her royal highness resided in a house called the Casa Boromeo? I do.

Do you remember a staircase in that house, upon the landing-place

of which her royal highness's door of her sleeping apartment opened? I do.

Was that staircase a secret staircase, or did it lead up to other apartments? It was not a secret staircase, it led up to my apartment.

Do you mean the apartment in which you slept? I do.

Were there any other persons who went up that staircase to their sleeping apartments? There was a door that went to the chambers of the servants, of the lower servants.

Do you know whether that staircase was ever used by those servants in going to their sleeping apartments? I do not recollect having seen them go up it.

Was it a staircase you were in the habit of using when you went to yours? It was.

Where did you go to after you left Milan? To Venice.

Upon a little tour? Yes.

About what time was it when her royal highness took up her residence at the Villa d'Este? I think about the latter end of September.

Do you recollect the position of her royal highness's room, and of Pergami's room, at the Villa d'Este? I recollect where her royal highness slept; I cannot say where Pergami slept at that time.

Were there any stairs near the door of her royal highness's sleeping-apartment? There was a flight of stairs.

Was there a door at the top of those stairs? I cannot say.

Do you recollect, upon the long voyage, being at Tunis? I do.

Did you accompany her royal highness during the whole of the long voyage? I did.

Do you recollect where Pergami slept at Tunis? I recollect his pointing me out his room.

Did you see him in the room? He pointed out the room himself.

Did you see him in the room, using it as his own, at the time? Yes.

Was that room in which you so saw him near the room of her highness? No, it was not.

Describe, if you please, the different situations of the two rooms? Pergami's room was the only room up a flight of stairs that any person in the house occupied, I believe I never saw anybody else's room there.

Whereabout was her royal highness's room? There were several rooms between the flight of stairs and her royal highness's room, that is to say, there were three or four rooms to pass.

Was Pergami's room on the same story with that of her royal highness? No, it was not; it was up stairs.

Was her royal highness's room on the ground floor? We did not occupy the ground floor.

On which floor was her royal highness's room? On the same floor as all the household.

Do you remember, whilst at Tunis, taking a short journey to Utica? I do.

Did you sleep at Utica? We did not.

Where did the parties sleep on the night of the day when the visit was made to Utica? At the palace of the younger prince, the house is called Sabella.

Were you on board the polacca during the voyage? I was.

Be so good as to describe whether there was any separation between that part of the vessel which was occupied by the captain and the crew,

and that part which belonged to her royal highness and her suite? It was quite distinct, it was separated by a bulkhead.

Had the captain of that vessel any duty to perform, which carried him into the part of the vessel occupied by her royal highness? None whatever.

Do you know in what part of the vessel the water-closet appropriated to the use of the women was? I think there were two, one in the cabin of the princess, the other in the cabin of the Countess Oldi.

Had the captain any duty to perform that would take him into the part of the vessel where those were? None whatever, as I imagine.

Did you ever see the captain, during the time you were on board, in that part of the vessel? Never.

Do you recollect landing at or near to Ephesus? I do.

What was the name of the place where her royal highness and her suite slept on the night of your landing? We slept on the plains of Ephesus.

In what manner, what erections were made, or what convenience was there to enable the party to sleep there? Under the shed of a Caffa Turk, a miserable house.

Did her royal highness sleep under this shed? She did.

How was the shed constructed? Whether it was by planks, or by boughs, I am not quite certain.

Was it enclosed on each side, or open in any way? Open.

Where did the suite of her royal highness sleep? All round her.

Did you sleep near her royal highness, amongst the rest of the suite? I did.

Do you remember where her royal highness dined on that day? On the day of her arrival?

Either that or the next day? It was in the church-yard next the coffee-house, where we had slept the night before.

What did she dine under, what was there above her? The portico of an old mosque.

Did she dine alone upon that occasion? I am convinced we all dined together.

Do you mean that you recollect you then dined together? I recollect most perfectly.

How did you contrive to sit upon that occasion? We sat on the ground; her royal highness sat on her travelling-bed.

Did anybody sit with her on that travelling-bed? I do not remember.

Are you sure that the rest of the suite, or a part of the rest of the suite of her royal highness, were there during the time of dinner? I am confident as to having dined myself, and everybody else.

Do you recollect where the Countess Oldi sat upon that occasion? I cannot recollect the spot where she sat; I am convinced we all dined together.

Where did you afterwards re-embark? At Scala Nuova.

To what place did you sail? To St. Jean d'Acre.

Were you either after that or before it at Constantinople? Before that

How long did you remain at Constantinople? I should think about twelve or fourteen days, or more.

In whose house did her royal highness reside during that time? In the palace of the British minister; we were not all the time at Constantinople.

As long as her royal highness was there? In the palace of the British minister; we were only about five or six days.

What was the name of the British minister? Mr. Frere.

Do you know whether he is alive? I have never heard of his death.

Did you afterwards, in the course of the voyage, land at St. Jean d'Acre? We did.

In what manner did her royal highness travel from St. Jean d'Acre to Jerusalem? Upon an ass.

Is that the usual way of travelling in that part of the world? On asses or mules, or in a palanquin.

How did you travel yourself? On a horse.

Was the course of your travelling to proceed by night, and to lie by by day? It was.

In what manner did her royal highness rest during the day? Under a tent.

Did you observe whether her royal highness, before she lay by by day, appeared fatigued or not? Excessively so.

Did that appear the case during the whole of the journey from St. Jean d'Acre to Jerusalem? Yes.

Did you make any particular observation, as to the nature of this fatigue? I have seen the princess fall from the ass more than once.

Do you mean about the latter part of the night? Towards the morning.

Do you remember whether on your voyage to St. Jean d'Acre there was any tent on deck? Yes there was.

On the outward voyage, was this tent constantly erected on deck, or was it only occasionally there? It was occasionally there from the sun or from the wind, while the princess sat upon deck; in fact, it was the awning of the ship.

You re-embarked at Jaffa at your return? We did

Was the weather at that time hot, or otherwise? Excessively hot, it was the month of July.

Had you any cattle on board the vessel of any kind? We had.

What did they consist of? Horses and asses.

Had you more on board on your return than you had on your voyage out? We had none in going out.

In what part of the vessel were those animals kept? In the hold.

Did they make any noise in the course of the night or the day? The general noise of horses and such animals.

Was there any smell occasioned by the animals being put in the hold? Yes there was, certainly.

Where did her royal highness sleep on the voyage from Jaffa homewards? Under the tent, on deck.

By whose direction was the tent put up? By direction of the princess.

Did it remain permanently on the deck from the time of your quitting Jaffa to the end of the voyage? It did.

Do you recollect, at any time, any complaint made by her royal highness as to the rate of the vessel's sailing? Yes, I do.

What was the complaint? It was on the return from the island of Rnodes to Syracuse; the voyage became excessively tedious, and the princess, naturally anxious to get on shore, attributed it to the want of sailing of the vessel; I stated, that she could not be supposed to sail so well with a tent on deck; her royal highness said, "As to the tent, I do not care at all about it, I would as soon sleep without it."

What was the occasion of her royal highness sleeping under the tent

during the return voyage? In consequence of the excessive heat, and the animals on board.

Do you remember any circumstance relating to a light being kept under the tent? I do.

What was it? The princess, in the previous part of her journey, used to sit on deck to a late hour, and with this light; on leaving Jaffa, from reports that were in circulation of some Tunisian vessels roving the Archipelagan seas, it was by a statement by me to the princess that that light should not be kept on deck all night, as it would serve as a mark to any vessel that might be cruising in those seas,

Had you, in point of fact, seen any Tunisian vessels yourself? Yes, we had seen one at Scio, and another at St. Jean d'Acre.

Do you know, of your own knowledge, whether they had plundered any vessel? I could not know but from report.

Did you, in the situation you held, think it a matter of duty to give that advice to her royal highness? I did.

In consequence of that advice, was the light put out earlier than before? Much earlier.

What was the general time of the evening at which the light was put out? It might be from nine to ten o'clock, or later.

How many sofas were there on board the polacca? Four.

Do you know in what part of the ship those sofas were placed? There were two lashed together in the princess's cabin, and two in the countess's cabin.

Was there afterwards any alteration made in their situation? The countess sent one out of her cabin.

Where was it sent to? It was occasionally on deck of the first part of the voyage, and always after we reached Jaffa.

Do you mean that the sofa was beneath the tent? The princess slept on it.

What was there, besides the sofa you have mentioned, underneath this tent? An English travelling-bed.

Do you know whether there was any communication open between the tent and the part of the vessel below? There was a ladder that went down into the dining-room.

The counsel were ordered to withdraw, and the house adjourned.

TWENTY-NINTH DAY, WEDNESDAY, OCT. 11.

The Court being formed, the Counsel were called in, and *Lieut. Hownam* was further examined by Mr. Tindal:

You were asked yesterday about the communication between the tent and the part of the vessel below the deck, was that communication open by night as well as by day? The ladder stood constantly there.

Have you had any opportunity of knowing, by going there by night, whether it was open or not? I have.

State upon what occasions that happened? I have in an evening, not knowing that her royal highness had retired, run up that ladder to go on deck, and did not find the tent was closed till I got up.

Was the light out upon that occasion? I imagine it was, I do not recollect to a certainty.

Was the tent of which we are speaking a single tent or a double tent? It was the awning of the ship.

Does that imply that it was single? It was single, with the exception of another piece, put round it to make it complete probably, but the pieces having been put I do not recollect.

The question is, whether there was one tent or whether there were two, one exterior of the other? One only.

Have you any means of knowing whether the opening by which the tent was accessible on the outside was closed or not, so that it could be opened or not by a person on the outside? On board the vessel, I imagine that it could be opened from the outside, certainly.

What was the nature of the opening, describe it if you please? As all tents are closed, the two parts of the canvas brought together, not sewed or any thing of that sort.

Then is the mode by which a person on the outside who wanted to go in, would do so, simply that of drawing back a part of the tent? I should think so.

How near was that tent placed to the steersman? It came close aft to the mizen mast.

Can you state, not precisely, but within about what distance that would come of the steersman? I suppose four, or five, or six feet.

Were there any part of the crew who were up during the night? The watch, one half the vessel's crew kept watch by night.

Was there a passage by the side of this tent from the after part of the ship to the fore part of the ship? The tent occupied the whole of one side of the vessel, the other side there was a clear passage.

Did the duty of the crew, in the ordinary management of the vessel, carry them at any times from one end of the ship to the other? Constantly.

You have stated that beneath this tent there was a sofa and a travelling bed? Yes.

Do you know upon which of them her royal highness reposed during the night? On the sofa, I think.

Do you know who reposed during the night in the travelling bed? I do not know, for I never was in the tent after night.

Do you know whether her royal highness reposed under that tent alone during the night? I do not know, because I have not seen it.

Do you recollect, during the journey by land from St. Jean D'Acre to Jerusalem, whether her royal highness, during the time she reposed, was dressed or undressed? I never saw her undressed.

Have you any reason to know whether she was one or the other? I have never seen her during the day whilst she was reposing, consequently I have not seen her undressed.

Have you ever happened to go in immediately previous to your resuming your journey? We always dined under her royal highness's tent previously to our departure.

Are you to be understood to say you do not know whether her royal highness was dressed or undressed during the times of lying by? I do not believe she ever was undressed during that journey.

State the grounds of the belief you have formed? I never saw any bed-clothes on the sofa that was placed in the tent.

This was with respect to the journey by land; as to the tent on board the ship, do you know whether her royal highness was dressed or undressed whilst under the tent? I never saw any bed-clothes on the sofa.

Do you recollect, upon any occasion, an accident happening one night, by a sea breaking into the tent? I do.

Be so good as to describe the nature of that accident, and what you observed? It was on the coast of Caramania, in a squall the sea broke over the quarter of the vessel, and her royal highness came down below to sleep.

Was the accident of that nature to call you up immediately? It was.

Did you see her royal highness at the moment of her coming down? I did.

Upon that occasion was her royal highness dressed or not? She was dressed.

Did you at that moment observe anybody with her? The persons handing her down.

Who were the persons or the person handing her down? I think it was Pergami, and Mr. Flinn I think.

Was Pergami at that time dressed or undressed? He was dressed.

Do you recollect during the voyage a bath at any time being taken by her royal highness? I recollect that her royal highness did take baths on the passage home.

When the bath was taken, what was the description of the tub, or the implement used for a bath? It was a common bathing tub, made at Augusta by my directions.

Without asking you as to the precise size of it, was it of such a size that it could or could not be put into her royal highness's cabin when her bed was there? I do not think it possible.

During the time you were on board this vessel, did you ever see her royal highness sitting upon a gun with Pergami? I never saw that.

Did you ever see her sitting on a bench, either with her arms round him, or his round her? Never.

Did you ever see the one kissing the other? Never.

Did you ever perceive any impropriety or indecency of behaviour of the one towards the other, while you were on board the vessel? Never.

Did your duty carry you frequently upon the deck? It did; the management of the ship was chiefly in the hands of Mr. Flinn.

In point of fact, were you generally on deck or not during the day? I was.

Do you recollect, at any time, Pergami dressing himself up in any particular way on board with pillows? I do.

Be so good as to state the occasion of that circumstance? It was in derision of the English consul at Jaffa, who came on board in long Greek robes, with a gold-laced cocked hat and a gold-headed cane.

Was he a pompous figure, this consul? He was.

Do you remember a person of the name of Mahomet, who was on board on your return voyage? I do.

Do you remember a dance performed by Mahomet? I do.

Can you remember the occasion upon which that dance was first called for? It originated in a sort of quarrel that this Arab had with the doctor; he being sick on board, the doctor wanted to give him some physic, he would not take it, and afterwards he used to laugh at the doctor, and ridicule him by this dance.

Was the doctor angry with him for not taking his physic? The doctor abusing him for not taking the physic, was the cause of the quarrel or difference.

When the doctor appeared on deck, was Mahomet sometimes called for? By one or the other of the suite pointing to the doctor, and saying, "Mahomet, dema, dema," upon which he performed this dance.

Have you any notion of any thing indecent or improper in this dance? Not the least, more than the Spanish bolero, or the negro dance.

Have you ever seen Mahomet performing the same dance on shore? I have, frequently.

Was the dance which you saw him perform on shore the same which you have described he performed on shipboard? Precisely.

You landed at Terracina after the long voyage? No, at Cape d'Anza.

Before you arrived at Cape d'Anza, did any one land at Terracina? There did.

Who was the person, or who were the persons, that landed at Terracina? Pergami, Camera, and, I think, Theodore Majocchi.

Was the vessel bound to perform quarantine? We were not in port; we were then at sea.

Would the vessel at the time of your landing, have been bound to perform quarantine? We had already performed quarantine at Syracuse and Messina, and, in all probability, we should have had to finish a long quarantine at any port we should have gone to, our quarantine not being out from Messina.

What was the reason of the persons whom you have mentioned being landed at Terracina? To obtain pratique, in consequence of her royal highness being so excessively fatigued, and being on board so long.

In point of fact, was her royal highness in a state of fatigue and exhaustion at the time? Very much so indeed.

Do you recollect, at the time those persons put off in the boat, who were on the deck of the vessel? Her royal highness, and everybody.

In what manner did those persons take leave of her royal highness? By kissing her royal highness's hand in a respectful manner.

Did each of the three persons you have mentioned kiss the hand of her royal highness? I think they did.

Did Pergami, or did he or did he not, kiss her royal highness upon that occasion? Kiss her face? No, certainly not.

After the long voyage, as it is called, her royal highness went back to the Villa d'Este? She did.

Did she, during her stay at the Villa d'Este, go to the Barona? After staying some time at the Villa d'Este she went to the Barona.

What is the size of this house that is called the Barona, is it a large house, or a moderately-sized house? No, it was a small country house, fitted up for the purpose.

Was it a house in which any large fête could be given? Oh no.

What was the nature of the entertainments given by her royal highness at the Barona? There were no entertainments, except to the farmers' daughters, to amuse, in fact, the household.

Was the time of which you are speaking, carnival time? It was.

Did you ever see at those entertainments, the wives of persons, as well as their daughters? The eldest of the daughters was married; I do not recollect if any more were married, but I recollect one was married.

The question does not refer to any particular family; but did the persons who attended at those entertainments bring their wives as well as their daughters? I have seen the wife of the Chevalier Tamasia and his daughters, the wife of Professor Mocatti, and the wife of Baron Cavaletti.

Who was the Chevalier Tamasia? He had been Prefect of Como for some years.

Were the other persons whom you have named, persons who resided in the neighbourhood? Yes, they were, with the exception of the Professor Mocatti, who was of Como.

Do you recollect whether the clergyman of the place was there, or not? I have seen him frequently; at the dance I cannot say.

Do you mean, that you have seen him frequently visiting her royal highness? Frequently.

Could you mention whether, at the dance described, her royal highness was constantly in the dancing-room, or in what manner she was situated? She was not constantly in the dancing-room, she chiefly remained in an adjoining room; she came in occasionally.

Did you partake at those dances? Always.

Did her royal highness retire for the evening, or not, before the dances were finished? Chiefly.

Whilst you have been at those dances, have you perceived any thing either indecent or indecorous in the parties there? I have not.

Do you recollect a river that is called the Brescia, near the Villa d'Este? Yes, I do.

Of what nature is that river; describe it, if you please? It is a sort of torrent, rather than a river.

Is it ever dry, or with little water in it? Certainly, with little water in it. I do not recollect ever to have seen it quite dry; when it rains, it runs with amazing rapidity.

Is it a place that people would choose to bathe in? I should think not.

Do you recollect accompanying her royal highness upon the tour into Germany? I do.

In about what part of the year did that take place? The early part of the year; I should think about March.

That was March, 1817? Yes, March, 1817.

Do you recollect being at Carlsruhe? I do.

Who received her royal highness at Carlsruhe? There was a grand chamberlain received her royal highness on getting out of her carriage, and a chamberlain appointed to attend her always after.

Do you remember the name of that gentleman? The Baron d'Endé.

Did her royal highness pass the greater part of her time at court, or in retirement, while she was there? Almost always at court, or in the family of the grand duke.

Where did her royal highness usually dine, during her stay at Carlsruhe? At the court, or else at the margravine's, the grand duke's mother.

Did her royal highness usually sup out? Mostly.

Where was the supper given? At the grand duke's; and I think once at the margravine's.

Were there any parties assembled on those occasions to meet her royal highness? Always, except the first day's dinner at the margravine's.

Was it on your way back from Carlsruhe that you were stopped at Scharnitz? If that is the name of the barrier town between the Austrian Tyrol and the kingdom of Bavaria, we were stopped once there.

Do you remember the time of the day when you got into this place? I think it was about the middle of the day.

What occasioned your being stopped there? We were travelling in sledges, in consequence of the depth of the snow, and the carriages were left behind; the man at the barrier not having a passport, would not take the word of the courier, or ourselves in fact, that it was the Princess of Wales, and he stopped us from passing.

Did that make it necessary for any person to go back to Inspruck? Mr. Pergami went back immediately to Inspruck with Capt. Vassali, I think, to procure passports.

Do you recollect at what time Pergami and Capt. Vassali returned back to Scharnitz? I should think it was about one or two o'clock in the morning, it was very late.

Was that on your road to Vienna? It was in the road to Munich, going to Vienna.

Did you afterwards, on your return from Vienna, pass through Trieste and Venice? We did.

Do you remember her arriving at Trieste? I do.

About what part of the day was it? The middle of the day, about noon, I should think.

Did any one receive her royal highness upon her arrival at Trieste? The governor was sick in bed, and I think it was the vice-governor who received the princess, at least that came to the inn after she arrived.

Do you remember the name of that nobleman or gentleman? I do not.

In what manner did her royal highness pass that evening? We went to the opera.

When did you leave Trieste? The following day, about five or six o'clock in the evening.

Do you recollect that distinctly? I positively recollect it.

Have you any particular reason for your distinct recollection of this fact? I have.

What is that reason? I have a letter that I wrote at the time from Venice, on our arrival at that place; it is dated the 18th of April, in the morning.

Have you got the letter in your pocket? I have.

(The witness produced a letter.)

Is it a letter written to the lady whom you have since married? It is.

Was that letter sent from Venice? It was not only sent from Venice, but it was chargé at the post-office.

Has it the Venice post-mark upon it? It has.

Is there any passage in that letter, by looking at which you are certain you arrived at Venice on the 17th? Certainly, it is dated the 18th, from Venice.

Can you, by looking at that letter, state the day on which you arrived at Trieste? We arrived at Trieste on the 15th.

Is it a journey of one day or more days between Trieste and Venice? It was a good journey of 24 hours post.

Did it occupy you about that time to perform the journey? On the night of leaving Trieste, we stopped some time at a small village, in consequence of something happening to one of the carriages, and the sea breaking over the road; in fact it was bad weather.

Do you happen to remember the name of that village? I do not recollect the name of it.

Was it called Monte Falconi? I cannot say; it was after descending the high hills about Trieste.

Do you remember a gentleman of the name of the Baron Ompteda? I do.

Was he in the habit of visiting at her royal highness's house? Constantly.

Do you recollect his visiting at Genoa? I do.

Did he dine there, or only call there? He dined there.

At that time was Theodore Majocchi in the service of her royal highness? He was.

Was it his duty to wait at dinner at that time? It was; he was a footman.

Did you see the Baron Ompteda again at Milan, or where? At Milan, and at Como also.

On those occasions was he visiting at her royal highness's? Yes.

Did he dine at either of the times you have last mentioned? Yes.

Do you remember his coming to the Villa Villani? I do.

How long did he stay there? Sometimes he stopped over night; I am not quite sure whether one or two days; but I am certain that he stopped over night.

Do you know whether there was a room in the house that was called in the family Baron Ompteda's room? Yes, he always occupied the room appointed for him.

At the times last examined to, was Theodore Majocchi still a servant? Still a servant in the house.

Have you ever yourself conversed with Majocchi upon the subject of Baron Ompteda? I have never spoken to Theodore Majocchi except upon our arrival at Rome, some time after Baron Ompteda had been at Como.

In the course of that conversation did you mention the name of Baron Ompteda? I did.

In the course of the different journies you have made with her royal highness, was it customary or not to be shown into rooms of entertainment where beds were standing? Very frequently.

Was it a thing at all uncommon to be shewn into a room of that description? Not at all.

Do you recollect her royal highness giving you any directions as to Ompteda? I do.

Or making any representation to you on the subject of Ompteda? Yes.

What were the directions her royal highness gave you?

The Attorney-General objected to the question.

The witness was directed to withdraw.

The Attorney-General was heard in support of his objection.

Mr. Tindal was heard in support of the question.

The counsel were informed, that the regular course would be, first, to ask the witness whether he did such and such a thing, and then whether he did it by her royal highness's directions.

The witness was again called in.

In consequence of any directions from her royal highness, did you do any thing, or take any step with respect to Baron Ompteda? I did; it was not a direction, it was a representation.

What did you do? I called him out.

Did you, at any other time, do any thing at Rome with respect to Baron Ompteda? I did.

The counsel were directed first to ask what he did, and then to ask the directions under which he did it.

What was it you did? I told the servants of the house they were

not to molest or to take any notice of the Baron Ompteda, should they meet him.

Was Majocchi one of the servants? I am most positive he was one.

Do you recollect upon any occasion her royal highness visiting any of her servants when ill and in bed? Frequently.

Do you recollect, in particualr, her visiting a servant of the name of Camera? I do, at Jerusalem.

What was the nature of his complaint, or supposed complaint? We imagined it even to be the plague; it was very severe.

Was that stated to her royal highness before she visited him? That I canot say; but he was excessively ill.

Did she, in point of fact, visit him? I was not present in his room, to my recollection.

Do you recollect her visiting any other persons of her suite? I do.

Upon the various occasions you have seen her royal highness was she received at the different courts where you visited by persons of the first distinction or not? All except Vienna.

Who was the ambassador at Vienna? Lord Stewart.

Upon those occasions, when she was so received, what was the conduct, and demeanour, and appearance of her royal highness? Every thing that was majesty and grace.

How was she treated at those courts? With the greatest respect and attentions.

Do you remember her royal highness travelling from Ancona towards Rome? Yes, I do.

Do you happen to know who was the courier employed upon that occasion? I cannot say positively, I think it was Carlo.

Do you remember the subsequent journey from Rome to Sinigaglia? I do.

Do you recollect in what carriage her royal highness travelled upon that occasion? She travelled in an English landaulet, I am most positive as to this fact.

In what carriage did you travel yourself? It was an English landau, I think; it is a long time ago.

Do you remember who accompanied you in that landau? I think the Count Schiavini, Mademoiselle Demont, and her sister.

Do you remember any thing happening to the Countess Oldi in the course of that journey? No.

The question refers to the journey from Rome to Sinigaglia? She was ill in the journey from Ancona to Rome.

When she was taken ill on the journey from Ancona to Rome did that occasion any alteration? She changed carriages; she went into the landau, and Mademoiselle Demont went with the princess in the landaulet.

Did you go back from Rome to Sinigaglia? We did.

Was that the only journey you took from Rome to Sinigaglia, until after the king's death? That was the only journey I ever performed from Rome to Sinigaglia.

Have you any recollection yourself, who did perform the office of courier upon that journey? I do not recollect; there were two couriers, Carlo Forti and Sacchini.

Do you mean two couriers in her royal highness's service? I do.

Can you, by adverting to any thing, recollect which of the two rode as courier upon that journey? I do not recollect positively which of the two it was.

Do you remember at all, whether Sacchi was taken ill upon any occasion? I do, it is very imperfectly in my recollection, I remember he was not well.

When the name of her royal highness is mentioned to you, does that bring to your recollection any thing about his being ill? No.

Do you recollect, in the journey to Rome, any accident happening as to the horses of any of the carriages? I do.

What was that accident? It was an accident from the horses of the princess's carriage taking fright on leaving the post.

How long, upon the whole, have you been in the society of her royal highness, as part of her suite? Only since the month of April, 1815.

Down to what time? Down, I believe, to the present time.

How long have you been actually living with her royal highness? To April, 1818.

From April, 1815, to April, 1818, have you been constantly living with her royal highness? I have.

During the whole of that time have you ever seen any thing in the conduct of her royal highness towards Pergami, or of Pergami towards her royal highness, that was improper, indecent, or degrading, to the station of her royal highness? I have not.

What salary had you during the time you were attached to her royal highness's suite? Two hundred pounds a year.

Does her royal highness continue that salary up to the present time? She does.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

You are a lieutenant in the navy? I am.

How long have you been a lieutenant in the navy? Since May, 1809.

How long had you been in the navy before you were made a lieutenant? Six years.

Your father had been in the service of her royal highness? He was.

He was a page, was not he? He was.

Do you know how long he was in that service with her royal highness? In the service of her royal highness I do not know; but all his life in the service either of his present majesty or of the Princess Charlotte.

Her royal highness interested herself about your promotion? Very much.

And through her good offices you were promoted to the rank of lieutenant? I was.

When was it you joined her royal highness's suite? In the month of April, 1815.

At Genoa? Yes.

In what capacity? I cannot positively say in what capacity, but I was given the salary of an equerry as I was told.

You do not know in what capacity you were in her royal highness's suite? I did not at that time, except the conviction that it was an equerry.

What situation did you subsequently fill in her royal highness's suite? None.

How long were you at Genoa before her royal highness quitted it for Milan? I should think about six weeks.

Pergami was a courier at that time? He was.

He wore the dress of a courier? He wore the dress of a courier.

How long after your arrival at Milan was her royal highness left without any English lady of honour? Her royal highness was left without any English lady of honour about ten or twelve days, I think, after her arrival at Milan.

How soon after she was left by her English ladies of honour did the Countess Oldi come? A very short time one or two days probably.

Before the Countess Oldi came, had Faustini and the little Victorine come into her royal highness's family? They came to Genoa with the child, but I never understood they were in the family.

Did not they live in the family? I never saw them at Genoa, but by hazard in the garden.

How often did you see them by hazard in the garden? I might have seen them once or twice, sufficient to know that they were there.

That is in the garden? In the house, they were in the house.

Do not you know they lived in the house at Genoa? I know they lived in the house at Genoa.

In the princess's house? In the princess's house.

When did the mother of Pergami come to the princess's? At that time, I think, she came with the child.

Was she also in the house of the princess at Genoa? Yes, I speak to the best of my recollection.

Did not Louis Pergami also come into the family at Genoa? He was there when I arrived.

What situation did he fill in the family at that time? Page.

Do you mean he was an upper servant, or a footman only? An upper servant.

At that time? Yes.

Did he wear the livery? Yes, a sort of uniform rather than a livery.

You have stated that you accompanied her royal highness in a tour she took to Mount St. Gothard? I did.

Did not Pergami accompany her royal highness on that occasion as a courier? He was dressed in a courier's dress, but he then rode in a carriage.

In what carriage did he ride, and with whom? He rode in an open calash, but with whom I cannot say.

Was it not with Hieronimus? I think it was.

Was not Hieronimus the other courier at that time? Hieronimus did travel occasionally as a courier, but he was maitre d'hotel, as I always imagined.

Had not Hieronimus a courier's dress on? He had.

Hieronimus and Pergami, both having courier's dresses on, travelled together in the same calash? Both.

In what month was that tour taken? I think, in the month of August, 1815.

In the course of that tour did not Pergami dine with her royal highness at Bellinzona? He dined with her royal highness, I think it was at Bellinzona.

Who dined with her royal highness besides? There was the Professor Configliac, who accompanied her royal highness, and a man who was living in the mountains, I do not know what he was.

Was not Pergami at the time dressed as a courier? He was.

Did you dine with her royal highness upon that occasion? I did.

And remained at the table during the whole of dinner? I did.

You have said that he did not dine regularly at that time with her

royal highness, did he, after that time, occasionally dine with her in his courier's dress? Never afterwards in his courier's dress.

When did he begin regularly to dine with her royal highness? At the Villa d'Este.

In what month? I think it was about the month of September that we got to the Villa d'Este; but I cannot speak to a few days at this period.

Did not Pergami dine with her royal highness at Lugano? That was on the return from the journey to Mount St. Gothard.

He did dine with her royal highness at Lugano? I think he did.

Was he not then courier, as he was upon former occasions, when he dined with her royal highness? It was upon the same journey.

Do you remember any other place, in the course of that journey, in which they dined together? No, I do not.

At the Devil's Bridge did they dine together? That was on the same journey; I rather think they did.

On those occasions, on that same journey, on which Pergami dined with her royal highness, was he not in the dress of a courier? He was.

When you were at the Villa d'Este Mr. Burrell left her royal highness? He left at the Villa Villani.

That was just before you got to the Villa d'Este? It was.

Mr. Burrell was not on that journey to Mount St. Gothard? He was not.

Nor Doctor Holland? Doctor Holland had left at Venice.

Then was there any other English gentleman with her royal highness, except yourself, on that tour to Mount St. Gothard? None.

When you were at the Villa d'Este, have you not frequently seen her royal highness and Pergami walking together? I have.

Before you set out on the voyage? On the long voyage, yes.

Have you seen them together in a canoe on the lake? I have seen them together in a small boat.

With no other person with them? The boat was not big enough to hold a third, that is to say conveniently; it was a canoe.

When you have seen them walking together, have you not seen them walking together arm and arm? I have seen them walking together arm and arm.

At the Villa d'Este? Yes, I have seen her walk with other gentlemen.

You have stated, that during the whole course of the time you were with her royal highness, you saw nothing improper, indecent, or degrading to her station, in her conduct towards Pergami? I have.

You have stated that you saw her dining with him when he was a courier, in his courier's dress, that he afterwards walked with her at the Villa d'Este arm in arm; they went out together in a canoe alone, and that he then began regularly to dine with her royal highness; do you think that conduct degrading or not? I never saw her royal highness walk arm and arm with him, until he began to dine regularly with her royal highness.

You must perceive that is no answer to the question, do you consider that which you have stated as degrading to her royal highness or not? I do not.

You have stated, that you do not remember seeing her walking arm and arm with him till he dined regularly at the table; did you not see them walking arm in arm in the course of this journey to Mount St. Gothard? I do not recollect it; I swear I do not recollect it.

Will you swear they did not? I will swear, to the best of my recollection, that I did not see them.

You say you did not consider this at all degrading to her royal highness; have you never represented it to her as degrading to her that Pergami should dine with her? I never did.

Did you never desire her royal highness not to admit Pergami to her table? Not to my recollection I did not.

Nor any thing to that effect? Nor any thing to that effect.

Have you never entreated her royal highness not to admit Pergami to her table? I never did.

Then if you never did entreat her royal highness not to admit Pergami to her table, you never did represent that to any person? I do not think I ever did; I could not.

You are not asked whether you could or not, but whether you have ever represented to any person that you had entreated her royal highness not to admit Pergami to her table? I am confident I did not.

You are positive you never did? I am positive I never did; I feel convinced I never did.

Have you never stated that you entreated her royal highness on your knees, and with tears in your eyes, to dissuade her from admitting Pergami to a seat at her table, but without effect? Never; I never did such a thing.

You are not asked whether you ever did such a thing, but whether you ever stated to any person that you had so done? I do not think I ever did; I have no recollection of the fact; I could not have done so.

If the fact never happened, you can have no doubt you never did? I have no doubt within myself.

Is it to be understood, that you now swear that you never made such a representation to any one that you had so done. I will read the words again, 'that you have never stated that you had entreated her royal highness on your knees, and with tears in your eyes, to dissuade her from admitting Pergami to a seat at her table, but without effect?' I swear not to have the smallest recollection, and I do not think I have done it; I have not done the thing.

You are not asked whether you did actually entreat her royal highness on your knees, but whether you have ever stated that you did, or to that effect? I have not the smallest recollection of ever having stated such a thing.

Will you swear you have not? I swear, to the best of my recollection, that I have not.

You say you swear to the best of your recollection; will you undertake to swear positively one way or the other? I swear as positively as I can; I have no recollection of the fact; I have no recollection of ever having said so to any person.

Will you swear you have not so said? I will swear, as I said before, I have no recollection of the fact. I cannot swear to a thing I do not recollect.

You have already sworn that the fact was not so; that you did not entreat her royal highness not to admit Pergami to her table; can you have any doubt that you have not said so? I have no doubt that I never said so; at least I have not the smallest recollection of the fact.

Were you on board the Leviathan? I was.

Do you know Captain Briggs? I do.

Upon your oath, did you never state that to Captain Briggs? Upon my oath, I do not recollect the circumstance.

Will you swear you did not state that to Captain Briggs, 'that you had entreated her royal highness, and with tears in your eyes, to dissuade her from admitting Pergami to a seat at her table, but without effect?' I have not the smallest recollection of ever having said the like to Captain Briggs.

And that that happened the day that the princess changed the condition of Pergami from being a servant to being a companion? I do not recollect having said any thing of the sort to Captain Briggs.

Will you swear that you did not? I will swear that I have no recollection of it.

Is that such a circumstance as that you can have forgotten it if it took place? It is such a circumstance as that I should have recollected it, I think.

If the fact be true, can you have any doubt you would recollect it; and if it be not true, have you a difficulty in swearing it did not take place? It is some years ago; it is a long time ago; I cannot recollect the fact.

You have sworn that the fact did not take place; would you, as a gentleman, have represented that that fact had taken place if it had not? The fact is true, I did not do the thing.

If the fact is not true, could you have represented the fact to have taken place to any other gentleman? I should imagine not.

Have you any doubt upon that? No, I do not think I did.

Although you do not think you did, is it to be understood that you will not swear you did not state so to Captain Briggs? I cannot swear to a thing I have no recollection of; that is impossible.

What do you believe; do you believe you stated it or not? I do not believe I did.

Then you will swear you do not believe you stated that to Captain Briggs, but you will not swear positively you did not; is that to be understood to be your answer? Yes.

How long were you on board the Leviathan? About three weeks?

Where did you leave Pergami's mother and his sister, before you went upon the long voyage? I think at the Villa d'Este.

How was the mother addressed by the persons in her royal highness's family; what was the name given to her? Madame Livia, Nona, the name given her in the family.

Do you mean to state, that she was called Madame Livia in the family before the long voyage? I cannot positively say that, for I do not think I ever spoke to her more than once or twice; if I did speak to her I did not call her Nona; I do not know what she was called.

Did you ever hear her royal highness call her Nona? Frequently.

After Mr. William Burrell left, and when you were at the Villa d'Este, was her royal highness in the habit of amusing herself at games with the servants? Very frequently; it was more to amuse William than any thing else I believe.

Did her royal highness join in those games? Yes.

Was the game Colin Maillard one of them? There were several games, what they call the Petits Jeux.

Were those games played before Mr. Burrell left her royal highness's service? I do not recollect.

Have you any doubt that they were not? I rather think that they were played even while he was there; I am not certain, but I have no perfect recollection of it.

You know he left at the Villa Villani? Yes.

The question refers to the Villa d'Este? Then he was not there, but the same games were played at the Villa Villani.

Before he left? Yes, and every where else.

Do you mean to state that Mr. Burrell joined in those games; that they were played when he was present? I do not recollect the fact of his being there.

Had Pergami ever dined with the princess before Mr. Burrell left? No.

Was there any other English gentleman in her suite, except yourself, at the time Pergami began to dine with her royal highness? I was the only English person in the suite.

Were Pergami and his brother Louis present at those games you have been talking of? Yes.

Faustina the sister? No, I do not think she was.

Was not she living in the family at that time? I do not think she was; I do not recollect seeing her there.

Did you ever see her royal highness perform on the theatre at the Villa d'Este? Yes.

Have you not seen her perform the part of Columbine when Louis Pergami was the Harlequin? I do not recollect that, but it was before more than two hundred persons that she performed; I do not recollect what parts she performed.

Do you recollect Louis Pergami performing with her royal highness? Every body performed on the stage together, at least all the household; the piece, whatever it was, was composed of the persons of the house.

Was Louis Pergami one of them? He was.

Will you swear that you do not recollect her royal highness performing the part of Columbine? Upon my word it is not marked on my memory that she performed the part of Columbine.

Do you mean that the general conduct of her royal highness was such, that you have no recollection of her performing the part of the Columbine with Louis Pergami? I do not recollect whether she performed the part of Columbine; there were two or three pieces that evening, she may or she may not; I do not positively remember that evening.

Or on any other evening? No, that was the only time that was performed; there were rehearsals to that little piece that was performed.

I thought you said there were two or three pieces? Yes, on the same evening; I do not recollect perfectly what they were; amongst the rest there was a dance I believe.

Did her royal highness dance? Yes.

With whom did she dance? With all indiscriminately, I do not know with whom; the Chevalier Tamasia performed, and Doctor Mocatti, I think, performed also.

Do you mean to say you do not remember whether her royal highness danced with Louis Pergami on the stage that evening? I do mean positively to say, that I do not recollect having seen her royal highness dance with Louis Pergami; she may, or she may not.

Was not one of the pieces a harlequinade? Yes, I think it was.

Who performed the part of Harlequin? I have seen Louis Pergami dressed as Harlequin; he had the dress.

Having recollected who was the Harlequin, do you not remember

that her royal highness was the Columbine? No, I do not recollect the fact; if I was to say it, it would be only because you say it; I do not recollect that her royal highness performed the part of Columbine, the thing is not sufficiently impressed upon my memory to declare that it was so.

You will not say that she did not perform the part of Columbine? I will say as much one way as the other; I do not recollect.

Do you remember any part that the princess performed that evening upon the stage? Yes, I think she performed the part of an Automaton.

What do you mean by an Automaton; in what way did she perform? The history was—it is so long ago that I do not recollect, but it was a man that wanted to sell an Automaton, a woman in fact that you could wind up to any thing; I forget the history of the thing; it was a farce upon the person who bought it, to find his mistake; it is a long time ago, I do not recollect the whole of the story; it was a little story composed by the princess herself, I believe.

Then her royal highness was the Automaton? Yes, I think she was; she was in fact.

Did Pergami perform the part of the person who wanted to sell the Automaton? No, I think it was the Chevalier Tamasia.

Who was the person that was to purchase the Automaton? who performed that part? I think it was professor Mocatti.

Did Pergami perform in that piece? I do not think he did.

Did her royal highness play any other part that evening in any other piece? I cannot remember, it is so long ago.

Cannot you recollect her performing some part with Pergami? No, I cannot recollect what part she performed.

Do not you remember Pergami performing the part of a sick person? No; I recollect Pergami performing the part of a fiddler, a sort of a fiddler.

That is another time? Then I have confounded the two, I only remember one.

He performed the part of a fiddler; did not her royal highness on that occasion perform the part of a milkmaid, or a person in low life? I do not recollect what part her royal highness performed, but there were more than two hundred people there; there were plenty to see.

Do not you remember that on that evening she did perform the part of a milkmaid? No, I do not remember the fact.

Or on any other evening? No, I have only a recollection of that one evening.

Did not Pergami perform another part that evening, besides this dance? It is very probable but I do not recollect.

Did not he perform the part of a physician, and her royal highness the part of a sick person? I do not recollect the fact; I have a slight vague remembrance of something, but I cannot charge my recollection with it.

Do you remember, before your setting out on the long voyage, Saint Bartholomew's day being kept at the Villa d'Este? I believe it was on that very day that this piece was performed at the theatre.

Was that day kept in honour of Pergami? I do not recollect whether it was St. Bartholomew's day, or what day; I recollect some great fête at which this piece was performed, but to say it was St. Bartholomew's day I cannot.

Do not you know that this fête was given in honour of St. Bartho-

lomew? No, I do not; I think it was given on christening the Villa d'Este, on taking possession of the place, which was formerly called Il Garo, and it was christened by the name of Villa d'Este.

What month was it in? It was before our departure; we left on the 14th of November: I cannot say whether it was a week, or a month, or six weeks before our departure.

Whether it was the day on which this theatrical representation took place or not, was there not a fête at the Villa d'Este on the 24th of August, St. Bartholomew's day? I cannot recollect whether there was a fête on that day or not, there might have been.

Is there nothing to bring to your recollection whether that fête was on the 24th of August, St. Bartholomew's day, or not? I think it was about that time, the 24th of August we were performing the journey to St. Gothard; it was in the early part of August; we had not got possession of the Villa d'Este then.

Was there no fête given at the Villa d'Este before you actually took possession of the Villa d'Este? No, I do not remember that there was.

Did you accompany her royal highness to Venice? I did.

With Dr. Holland? With Dr. Holland.

You remained at Venice during the time her royal highness was there? I did.

You have stated that you accompanied her royal highness on the long voyage; before that voyage had Pergami been raised to the rank of a baron? No.

Before your leaving Sicily? Before our leaving Sicily he was.

And a knight of Malta? And a knight of Malta.

When you first went on board the polacca, where did Pergami sleep, where was his sleeping-room? I think he had the after of the small cabins on the starboard side.

What sized vessel was the polacca? I should suppose about 260 tons English.

About what width was she at the stern? Probably about eighteen feet, or not so much, but I may be out, I never measured it.

She was a vessel of about 260 tons? Yes, the Italian vessels, the foreign vessels fall in very much; they are not built so wall-sided as ours are.

You have said that Pergami at first slept in a small cabin? The after-cabin on the starboard side of the vessel, one of the small cabins.

Was that next the dining-room? It was.

Who slept in the cabin next to him on the starboard side? I think it was the Count Schiavini.

Who next to him? William Austin.

Who next to William Austin, do you recollect? I think Camera.

Who on the other side, the larboard side? The two maids, the after-cabin next the dining-room.

Who next to them? Myself.

Who next to you? Mr. Flinn.

Who next to him? Hieronimus.

After you left Tunis, did Pergami sleep in the dining-room? Yes, he did.

You have stated, that whilst you were at Tunis you visited Utica? I did

Where was it you slept on the night of the day you visited Utica? We slept at the palace of the younger Prince Sidi Mustapha, called Sabella.

Utica itself is in ruins? In perfect ruins.

How far from Utica is the palace of that younger prince? I should think eight or nine miles.

How far is Utica from Tunis? About two and twenty miles.

After having visited the ruins of Utica from Tunis, you went to sleep at the palace of this younger prince? We returned to Sabella.

You have stated that on board this polacca, there was a tent on the deck? I have.

And that on your return from Jaffa, the princess slept under that tent? Constantly.

Was that tent always of the same size, or had it been more contracted at first and afterwards enlarged? From Jaffa, I imagine, it was always of the same size; I do not know of any particular difference.

When you say you imagine, do you recollect one way or the other, whether the tent, when first it was put up, covered the passage which you state there was from the deck to the dining-room? I think it always covered the passage.

Are you quite sure of that? I am quite sure with myself, I have no recollection of it any other way.

What was the size of the tent? It might have been ten feet in the length, and the sofa was about six feet; I suppose it was about four feet more, about ten feet.

How wide? It included one side of the ship, and the hatchway of the ship perfect.

How wide do you think it was? I suppose it might have been 16 feet altogether.

You say there was a sofa and a bedstead under that tent? I do.

Whereabout was the bedstead, with reference to the sofa, under that tent? The bedstead was at right angles with the sofa.

How near? Three or four feet apart.

How near was the nearest part of the sofa? I mean the adjoining angle of the sofa and the bed I should imagine to be about three feet or four feet apart

You have stated, when you were off Caramania an accident happened, and that her royal highness came below to sleep; where did she sleep? At first she laid down upon the deck; afterwards she went into the cabin of William, where the water came in; and lastly, she came and lay upon my bed; and I cut out the whole of the front of my cabin to admit the air.

When you say she first lay upon the deck, whereabouts did she lie? I think she lay aft, on the starboard side, in a small space between the cabin and the hatchway.

You stated that you saw Pergami handing her royal highness down, did you see afterwards where he slept, where he was lying down? I do not think that he lay down at all; I do not recollect where he was afterwards; I only saw him handing down her royal highness, with, I think, Flinn and others assisting: Flinn was assisting her royal highness down, but where he went afterwards I have no recollection, I took no notice.

You have no recollection then of seeing Pergami after that any where? I have not.

Did you not see him laying down upon the deck after that? No, I do not recollect that I did.

Where did Pergami sleep on the return from Jaffa? I do not know where he slept.

Have you never seen him under the tent upon the bed? In the night-time?

By day or by night? I have seen him under the tent in the day, as every body else was there.

Have you seen him upon the bed? I have seen him sitting either upon a chair or upon that travelling-bed.

You have stated that Pergami at first slept in the cabin which you have mentioned—that he afterwards slept in the dining-room; do you know where he slept on his way home from Jaffa? I never saw him sleeping any where after that, therefore I cannot declare where he slept.

You have stated that upon one occasion, not knowing that the tent was closed, you ascended the ladder to the tent? More than once.

Did not that ladder communicate to the dining-room? It did.

At what hour was it, or about what hour was it, upon any of those occasions, that you went into the dining-room and up the ladder? It might have been ten o'clock, or half past ten, before I went to bed.

Do you know who was under the tent at that time? Her royal highness the princess.

Any other person? I do not know, for I did not see any body.

Was it dark? It was dark.

Did you see the princess? I did not.

Did you see Pergami anywhere? I did not.

Did you not upon that occasion pass through the dining-room, in which Pergami had slept on the outward voyage? I passed through the dining-room.

In which Pergami had slept on the outward voyage? Yes.

Was there any light in the dining-room at that time? I do not recollect, I do not think there was.

Where did Demont and her sister sleep at that time? I do not know, I have not seen them in bed, but I imagine in their cabins.

After the princess slept on the deck, did not one or the other of them occasionally sleep in the princess's room with the little Victorine? I believe they did, by turns.

You have said, that you do not know where Pergami slept; upon your oath, do you not believe he slept under the tent? I have heard he did sleep under the tent.

I do not wish to know what you have heard? And I believe he did sleep under the tent.

Whilst you were on board the polacca, as you have not recollection of St. Bartholomew's day in the year 1815, was not St. Bartholomew's day celebrated on your arrival off Syracuse? We were at Syracuse.

Do you not believe that on the return from Jaffa, Pergami slept constantly under the tent? I have heard that he did sleep under the tent, and I believe that he did sleep under the tent.

Without referring to what you have heard, do you not believe that he slept under the tent? I have already said so.

Believing that, do you think that degrading or not to her royal highness? No, I think it was necessary that somebody should sleep near her royal highness, on deck, on that occasion; I have heard that other people have slept there too.

You are not asked as to hearing what other people have done, but whether your belief that Pergami slept under the tent with her royal highness, was or was not a matter degrading to her royal highness's station? No, I do not think it was.

You were asked, whether, on your arrival at Syracuse, St. Bartholomew's day was not celebrated on board the polacca? I recollect that the sailors had a fête on board, and drank, and sung, and danced.

Upon St. Bartholomew's day? I believe it was on St. Bartholomew's day.

Have you any doubt about it? No, I have none.

Then why do you say you believe? Because I believe it was so.

You say the sailors were regaled on that day? I do not know who paid, or who regaled them; I know they were rejoicing, in fact.

Do you mean to say you do not know who regaled them on that day? I do not know who regaled them on that day.

Who do you believe regaled them on that day? I suppose Pergami did.

Why do you believe that Pergami did? Because in those countries they always keep the day of their name instead of their birth-day.

Was this day kept in honour of Pergami? They were rejoicing, and it was his saint's day; in fact, every body keeps that day in Italy.

Was there any other saint's day kept on board the polacca in the same manner? I do not remember that there was.

Was not the ship illuminated on this night at Syracuse? I do not recollect that.

Did not the sailors cry, Viva St. Bartolomeo! Viva la Principessa! Viva il Cavaliere? They may have cried so, but I did not hear them; at least, it is not marked upon my memory that they did.

Do you mean to say that you heard none of the exclamations of the crew, who were very gay upon the deck? I must have heard all their exclamations, but none of them have been marked upon my memory sufficiently to enable me to say what they were; it is very possible they may have said Viva il Cavaliere.

Did you see Pergami and the princess on that day on board the polacca? We were in quarantine, and every body was on board; I must have seen them.

Where did you see them, on the deck? As usual.

Did you see them walking on the deck, as usual? As usual.

In what manner were they walking when you say as usual, the princess and Pergami? I do not recollect to have seen them precisely that day walking more than another, but if they were walking, they were walking as they always did.

Arm in arm? They might have been walking arm in arm.

Was that their usual way of walking on the deck? Her royal highness could not walk on the deck without the arm of somebody.

They were in port on this occasion, were they not, in Syracuse? They were.

Could she not have walked therefore on the deck without the assistance of any other person? I do not say she was walking with the assistance of any other person; she may have walked alone, and she may have walked with his arm; I cannot recollect, the thing was not so remarkable as to make a note in my memory how she walked.

Was it so usual a thing for the princess to walk arm in arm with Pergami, that if she had done it in Syracuse, it would have made no impression on your mind? It would not.

During this voyage, and your journey to the east, were any additional orders conferred on Pergami? I do not know whether you can call it an order, it was a thing her royal highness had spoken of for many months before she undertook the journey, saying she would make a little recompence to those who should accompany her on that pilgrimage, as a mark of distinction, as a memento rather.

The question was, whether any orders were conferred upon Pergami, in the course of that journey to the east? If that is an order, there was.

Was Pergami one of the knights of this order? Yes, he was.

The grand master? I believe he was, so it says in the diploma.

What was it? It was called the order of St. Caroline.

Was any other order conferred upon Pergami in the course of that journey, at Jerusalem? The order of St. Sepulchre, of the Holy Sepulchre.

Do you know whether that order was purchased for Pergami? I have not the slightest idea of the thing; I do not believe it was.

Were there any other persons on whom that order was conferred? There were Count Schiavini and Wm. Austin.

Is that a Catholic order? I believe it is.

Were you present when that order was conferred on Pergami? I was.

And the princess? And the princess.

Where was it? It was in that called the Temple of Resurrection; the cathedral, in fact, at Jerusalem.

In going to Jerusalem, did you repose under tents? We did.

By day? Yes, by day.

You travelled by night, and reposed by day? Yes.

How many tents were there, do you recollect? There might have been six or seven, more or less; I cannot say, but certainly more than four or five.

Who reposed in the tent with yourself? Mr. Flinn in general, and the doctor I believe, and Schiavini.

Did you see the princess, when she alighted from her ass, retire to her tent? I have seen her throw herself on the sofa of her tent, on getting down from her mule or ass.

Do you know where Pergami reposed during the day? I do not.

Do you not believe that he reposed under the same tent with her royal highness? I do not know, I never saw him there.

Do not you believe that he did?

The Attorney-General of the Queen stated, that he conceived that he had a right to object to this question, but that he waved the objection.

The question was proposed.

He may or may not; I do not know.

What is your belief? I dare say he did; I do not know.

Do not you believe that he slept under the same tent with her royal highness? I can only say, as I have said, I do not know.

What do you believe? He may or may not, I cannot say, because I have no grounds for believing it.

Did you see him under any other tent reposing? No, I did not; I retired to my own tent directly I got off my horse, and there I slept of course till dinner-time; till it was time to go, when every body was in movement.

Do you know where Schiavini slept? I think he slept under the same tent as I did myself, as I have stated; but I will not be positive even as to that fact.

Do you know where Hieronimus and Camera slept? I do not; I have never seen them sleeping.

You have stated, that in the course of your journey in the east, you were at Ephesus? I did.

You remember the coffee-house, the Caffè Turque, at Ephesus? I do.

Do you remember where the princess dined, or do you not? The following day she dined in the church-yard, under the porch of the church; the porch of an old mosque.

Can you recollect where you dined upon that day yourself? I feel thoroughly convinced that I dined there with her.

Will you swear that that day you dined with her royal highness? I will swear that is the impression upon my mind, that I dined with her royal highness.

Where did you land on your return from the voyage? At Capo d'Anza.

You have stated, that at the Barona her royal highness gave some entertainments, some dances, and you have mentioned the daughters of some persons who were there, who were they? I think they were the daughters of the agent of the farm; the farmer's daughters.

How many of them used to come to the ball? Three or four, or five; I do not precisely recollect the number; it was a dance, not a ball, for the amusement of the household.

Do you know a person who keeps a public-house at the village on the Barona? No, I do not.

The St. Christopher? I do not.

Do you know a person of the name of Johana Ange? I do not.

Were there many persons there of low life? I do not know their situation in life; I recollect the farmer's daughters; but as to other people of low life, I have no recollection of any thing of the sort.

How often were those dances given at the Barona? Some four or five times, they may have been less.

You knew those daughters of the farmer? I did not know them except from having seen them there; that is all the knowlege I had of them.

You have stated, that upon one occasion you were at Scharnitz? The barrier town of the Bavarian States.

The Attorney-General of the Queen submitted, that the witness must not be taken to have stated that he had been at Scharnitz, but at the barrier town between the Austrian Tyrol and Bavaria.

Were you ever at Scharnitz? I do not know whether that is the name of the town you allude to.

You recollect the circumstance of Pergami and Vassali going back for the passport from this barrier town? Perfectly.

There was a great deal of snow on the ground at that time? A great deal.

Had you a great deal of difficulty in getting on? A great deal.

Were they not obliged, when you set out from that town, to cut a way for you through the snow? They were.

There were many persons employed for that purpose, were there not? Some 20, 30, or 40, at different parts of the road; I do not mean to say in a body.

What time did you set out from that place in the morning? I think as soon as it was day-light.

What time in the year was it? I think in the month of March.

Was it not nearly eight o'clock before you set out from that town? I do not recollect as to the hour, I think it was at day-light we set out.

Was it broad day-light when you set out? I should imagine it was.

Do you remember whether, in consequence of this delay about the passports, your baggage was stopped at the barrier? All was stopped, every thing was stopped, our baggage was on the carriages.

Was the baggage left at the barrier, or did it go on with you to the inn? The inn is within a few hundred yards of the barrier itself.

Can you recollect whether the baggage was stopped at the barrier, or went on to the inn? The barrier was beyond the inn, we had to return to the inn.

Then you returned to the inn, and staid there in consequence of this delay about the passports? Exactly so.

Do you remember whether the carriages were unloaded on that night or not? I have not a recollection of the thing at all; I know that I had not my baggage, I do not think they were.

You have been asked respecting a journey from Milan to Rome, by way of Ancona, and afterwards from Rome to Sinigaglia; how many carriages had her royal highness? I do not remember precisely the number, but I should think three or four.

What sort of carriages were they? There was an English landau, an English landaulet, a little German carriage belonging to William (a calash), and another Roman calash, a carriage made at Rome.

Where did you sleep the first day on your journey from Rome to Sinigaglia? I do not recollect the name of the town.

Did you not stop at Atricola? I think that was the second day.

How far did you go that first day; you travelled by night, it being very hot weather? We travelled by night, and stopped in the heat of the day.

Do you remember where you stopped the second morning, was it not at Nocera? I think it was, because there are some mineral springs there.

Did you not stop some time at a place called Fano the third day? I think we breakfasted there.

How long did you stay there, do you recollect? We might have stopped there an hour or two, but I cannot say as to the time, I do not think more than that.

How far is Fano from Sinigaglia? One or two posts; about ten miles I should think.

At what time did you get to Sinigaglia? I think it was about one or two o'clock in the day.

Was it not later than that? I do not recollect, it may have been later.

Do you remember that it was as late as five o'clock in the afternoon when you got to Sinigaglia? No, I do not; it is not marked sufficiently upon my memory, the arrival at Sinigaglia, to say whether it was two or five o'clock.

Can you, therefore, undertake to say that it was not so late as five o'clock? I will not undertake to say any thing about it; it is not marked sufficiently for me to decide.

I have called your recollection to a place called Fano, at which you stopped; do not you recollect seeing Sacchi there? I do not.

Do you not recollect Sacchi being ill there for a short time? No, I do not recollect it.

Do not you remember seeing him in bed there for a short time, or his going to bed, in consequence of his having taken something cold, some iced lemonade, or something of that kind, on that road? I do not; I have not the smallest recollection of it.

Do you remember in what carriage the princess travelled on that journey from Rome to Sinigaglia? I think it was the landaulet.

Are you sure it was in the landaulet? I am not certain, but I think

it was. She had travelled in that to Rome; in fact, she almost always travelled in that carriage.

It was very hot weather, and you travelled by night to avoid the heat of the day? Precisely so.

Who travelled in the carriage with her royal highness? I rather think the Countess Oldi and Pergami.

Who travelled in the carriage with yourself? As far as I recollect, it was the two chambermaids and the Count Schiavini. I understand the question to allude to the journey from Rome to Sinigaglia; in going to Rome, I did not travel in that carriage.

Where did little Victorine travel? She was always with her royal highness.

Do you mean to say that she travelled with her royal highness the whole way from Rome to Sinigaglia? I think she did; because I recollect a circumstance that she would not come into our carriage any more, from having been upset going in the journey from Inspruck to the Tyrol, and the child happened to be in our carriage, and after that she would not come with us; that has marked it in my memory.

Notwithstanding that circumstance, can you undertake to say, that Victorine was not occasionally in the carriage in which you travelled from Rome to Sinigaglia? I do not recollect her having been in that carriage.

Can you swear that she was not? I swear to the best of my recollection as much as I can, I cannot positively swear she was not, for she might have been, but I do not recollect it.

Who travelled in the third carriage? I think it was William Austin and Captain Vassali.

What sort of a carriage was that? A little German carriage belonging to William.

What carriage did you travel in? In the English landaulet, I think.

I have been speaking at present of the journey from Rome to Sinigaglia; I now wish to call your attention to the journey to Rome; do you remember, at Ancona, seeing Louis Pergami? Yes.

Did not Louis Pergami go with her royal highness and the suite from Ancona to Rome? I will not be certain as to that fact.

You remember seeing him at Ancona? Yes, because he came from Rome back to Ancona.

And met you at Ancona? And met us at Ancona.

Did not he afterwards go with the princess and her suite to Rome? That I do not recollect.

You are quite sure you saw him at Ancona? I feel persuaded that I did see him at Ancona.

Was there a fourth carriage from Rome to Sinigaglia, besides the three you have mentioned? I have mentioned four.

Who travelled in the fourth? I travelled in the fourth with a Roman Captain Lancy, that was to Rome.

You have mentioned the persons who travelled in three of the carriages from Rome to Sinigaglia; do you know who travelled in the fourth from Rome to Sinigaglia, whether Camera and Louis Pergami went in that fourth carriage? I do not recollect; I cannot say.

Did not Camera and Louis Pergami go from Rome to Sinigaglia in your company? Positively I do not know; Louis Pergami went, I think, during the time we were at Rome, once or twice to Milan, but whether he returned with us to Sinigaglia I do not recollect.

Who went as couriers from Rome to Sinigaglia? I rather think Carlo and Sacchini; I do not know whether those were the two couriers on the journey to Rome, whether they both came with us or not I do not recollect.

Can you swear that you saw Carlo Forti on the road from Rome to Sinigaglia at any one time? I cannot swear that I saw either one or the other; I do not recollect; if there was any one marked point where I might have spoken to them I might have recollected it; but I do not recollect which of the two it was.

Do you remember at Foligno having a difficulty about post-horses, or at the stage after Foligno? No, I do not remember that.

Do not you remember that you were obliged to take the same post-horses you had at Foligno on another stage, in consequence of that difficulty? That happened so often that I do not recollect it, at that time it happened very often.

Can you point out any place on that journey from Rome to Sinigaglia where that did happen? No, I cannot; I mean to say, in travelling that often happens.

Do you remember this happening in your way to Rome? No, I do not.

You say, you do not remember seeing Carlo; do not you remember seeing Sacchi on that journey from Rome to Sinigaglia? I do not recollect; my memory is not marked by either one or the other; I do not know which it was.

Will you say that Sacchi did not ride by the side of the princess's carriage during that journey? Not having seen him, I cannot say.

How far were you from the princess's carriage on the journey? More or less; sometimes close, sometimes at a distance.

Will you swear that you did not see Sacchi in the course of your journey from Rome to Sinigaglia? I cannot swear to a thing I do not recollect.

Did you ever see Pergami's wife? No.

Do you know any other of Pergami's family besides Louis? Yes, there were more in the family.

Who were they? I do not know their names, but there was one called Raggioneto; I do not know what his name was; another was called Bernard.

Was not Bernard the Raggioneto? No.

Was it Francisco? I do not know whether his name was Francisco or not.

Do you know Faustina? Yes.

What relation is she to Pergami? His sister.

The Countess Oldi you have mentioned? I have.

When did you first know that she was the sister of Pergami? I had heard of it shortly after she came to the house, but I did not know it positively for some time afterwards.

Did you hear of it or know of it at the time she came into the service of her royal highness? No, I did not.

Did you know Faustina's husband; have you ever seen him, Martini? Yes, I have seen him.

Where have you seen him? At the house of the princess, the Villa d'Este.

When was it that Louis Pergami began to dine at the table of her royal highness? I think it was some short time after our return from the voyage.

Did Faustini ever dine with her royal highness? I never saw her.

Were there any other of Pergami's relations in the family besides those you have mentioned; do you know Pietro, his nephew? Yes.

Carlini? Yes.

Another nephew? I do not know whether he was a nephew or not.

Is he a relation of Pergami's? I have heard he is.

Do you believe he is? I believe so, from having heard so.

What situations are Pietro and Carlini in in her royal highness's service? Carlini was on the long voyage.

What situation was he in, a footman? I do not know what situation he was in, he was a servant.

In what situation was Pietro? I do not know whether I am speaking to the right person; Pietro, as I imagine, was in the stables.

After your return from the long voyage, did not the mother of Pergami begin to be called Madame Livia in the family? Not more so after than before, to my knowledge

Had she ever dined at her royal highness's table before you set out on that voyage? I do not recollect; she may or she may not; it is not fixed upon my memory.

At Pesaro did she not regularly dine with her royal highness? She did.

And Louis? And Louis.

Did Bernardo ever dine at the table with her royal highness at the Barona? I do not recollect; I do not think he ever did.

Not at the Barona? I do not recollect having seen him.

Having seen those members of the family whom you have mentioned as dining with her royal highness at her table, did you ever see Pergami's wife, the baroness, there? Never; I have never seen her.

Neither at the Villa d'Este, at Pesaro, or the Barona? Neither the one or the other.

How far is the Barona from Milan? About two miles.

Are you to be understood to say, that although you have seen the mother and the brother of Pergami and his sister at the table, and those other members of the family in her royal highness's service, you never saw his wife at any of the places at which her royal highness resided? I have never seen his wife.

How long were you with her royal highness? Three years.

During that period, did she never come to see her child at her royal highness's house? I never saw her.

When you first joined her royal highness at Genoa, did you go there accidentally, or were you sent for by her royal highness? It was by her royal highness's command.

From England? From England.

Where do you reside at present? At No. 5, Bury-street, St. James's.

Have you not frequently been with her majesty at Brandenburgh-house? I have.

Almost every day, or every day? Not almost every day, I have not been there since Saturday.

Before that, were you not there frequently? I have been only twice since my coming to England the last time, once to make my bow on arriving, and once I think on Saturday; I think those are the only times I have been at Brandenburgh-house.

Did you see Schiavini there? I did.

Both times? Yes, both times.

How long have you been in England? I came last Friday week, I think it was Friday week.

Were you in England before? I have been twice in England.

How long before that? About a week; I was ten days at home at Rouen.

How long were you in England before you returned for those ten days? I think about five weeks.

RE-EXAMINED BY MR. TINDAL.

You were asked, whether Faustina, the sister of Pergami was in the family of her royal highness, and you were afterwards asked, whether she was in the house of her royal highness at Genoa; you were understood to say, you did not know she was in the family, and afterwards that she was in the house; explain what you meant by that distinction? I meant to say, that I knew she was in the house at Genoa, but I never imagined she belonged to the household.

You stated that her royal highness at the Villa d'Este joined in certain games you mentioned, did the whole of her household join in them, or only the upper attendants? Only the upper attendants; the footmen never attempted to join in the amusements; the pages, Hieronimus, the chambermaids, and any friends that might have been at the house.

You stated that certain plays were performed at the Villa d'Este? Yes.

How many years ago is it since those spectacles took place? I think it was on the return from the long voyage in the winter of 1816.

Have you any better recollection of the incidents or plot of those entertainments than that which you have stated? None in the least but common amusement.

Do you remember, when you were at Tunis, a doctor being taken on board? I do.

Was it before or after that time that Pergami's sleeping place was altered? After that time; the doctor occupied the cabin, not exactly the cabin that Pergami had occupied, but there were three persons shifted, I think the Count Schiavini came further aft, William Austin came next to him, and the doctor took the cabin between.

After that alteration was made, where was Pergami's bed placed? In the dining-room, within a screen.

You stated that on the occasion of the accident, you described when the princess came below, you did not know where Pergami went, did he or not go into the cabin which the princess went into? There could not have been room; I do not recollect that he went into the cabin, but he could not have gone into the cabin without sleeping upon the ground, besides the whole of the front of the cabin was cut out, I cut it out myself, as low down as about three feet.

Of what was the front of the cabin composed, of what materials? Of canvass and plank.

You have stated in answer to a question, that you believed Pergami slept under the tent, what is the ground of that belief? Because in the time of the squall on the coast of Caramania, which made her royal highness come down below, Pergami told me the sea came into the tent, consequently he must have been there, or he could not have known it.

Have you a distinct recollection as to the dress of Pergami on that occasion? No, I have not.

The question is not how he was dressed, but whether he was dressed or not? Oh, he was dressed.

Of what nation were the crew of the polacca composed? Of Neapolitans and Sicilians.

You have stated that half the crew were upon the deck during the night? Yes.

You stated in an answer, that you thought it necessary that some person besides the princess should sleep under the tent, what was the ground of that necessity? It was never mentioned to me, but I have never considered it otherwise than necessary, the princess sleeping on deck by herself would not at all have been right.

Were you acquainted with the characters of the different sailors, who were employed on board that polacca, before you sailed? Not at all, I had never seen a single man of them before.

Do you know whether her royal highness had seen them? Certainly not; the vessel was hired at Messina, while she was at Cattania.

You have stated, that you have seen the princess walking arm in arm with Pergami, have you ever seen her walking in the same manner with others of her household? Yes, she has walked with me; I have seen her with Schiavini, and other gentlemen who have come to visit her at the Villa d'Este, and so forth.

You have stated that Pergami was made grand master of the order of St. Caroline, do you know who were appointed as the knights of that order? I was one myself; Mr. Flinn was one; and William Austin, and Hieronimus, and I think Camera; I think Doctor Mocatti was one also, in consequence of his coming as far as Naples to join her royal highness for the voyage, but not being able to come then, by not getting his passport in time from the Austrian government.

Was he made an actual knight or an honorary knight of the order? I do not know; it was only in consideration of his being appointed to accompany her royal highness upon the voyage, and not being able, from an obstacle which was thrown in the way by the government under which he lived; I am not quite sure even that he is.

Were the persons whom you have mentioned, exclusive of the doctor, the whole of the persons who arrived at Syracuse with her royal highness? The knights, that is the whole; I have never heard of any body else, except the doctor, whom we took with us; I am not quite sure whether he was or not.

Was this order, such as it was, conferred on all the suite who arrived at Jerusalem? No, only on the persons I have mentioned.

Mr. Tindal requested leave to put one question, that he ought to have put on the examination in chief.

The counsel was informed that he might do so, the counsel in support of the bill being at liberty to cross-examine upon it.

Was there any English sailor on board the polacca? There was, as far as Athens.

What became of him? He went home from that place.

Have you ever seen him since? Never.

Have you ever been examined by any person upon the subject of your evidence?

Mr. Attorney-General submitted, that the last question did not arise out of his cross-examination.

The Attorney-General of the queen submitted that it did, the witness having been asked, when he arrived in this country, how often he had been there, and how often he had seen her majesty.

The counsel were informed, that in the opinion of the house, the question might be asked.

The witness was again called in.

Has any application been made to you for information upon this subject, on the part of his majesty's government? I was ordered to attend the Admiralty, where I was asked where I had seen James last, and if I knew where he was; except that, none that I recollect.

The Lord Chancellor.—Was that person the sailor that was on board the ship? Yes, he was.

EXAMINED BY THE LORDS.

Earl of Roseberry.—You have stated, that you sometimes saw the princess at breakfast at Genoa, did you see her royal highness frequently at breakfast? Only once is impressed upon my memory.

You did not see Pergami at breakfast with her royal highness at that time? Pergami was in the room, but he appeared to me to be waiting.

He was not sitting down? No, certainly not.

Was there any other servant in the room with her royal highness at that time? I do not recollect that there was.

Directing your attention to the tent on the journey from St. Jean d'Acre to Jerusalem, was there an outer and an inner tent, one tent placed within another? It was a double tent, there was a gallery round the inside of it.

Do you recollect whether any body lay down within that gallery? I have never seen them lying down, I have seen in that gallery a mattrass for somebody to lie upon; I have seen the servants behind there; I have seen the mattrass, but I do not know that they slept there because I was never in the tent at that time.

In point of fact, you do not know whether any body slept there or not? I do not.

Referring to the tent on board the polacca, do you know whether any person could open the tent from the deck, after it was closed at night? I should think, certainly, by pulling the two parts aside it was very easy.

Do you know whether it was fastened inside at that part where it could be separated in that manner? No, I do not.

When you ascended the ladder to go into the tent through the dining-room, which you state you did on more than one occasion, did her royal highness speak to you? No; I merely ran up the ladder, and finding my mistake, of course I went down immediately; I hardly got my head up to the combings of the hatchway before I discovered that the tent was closed, and that her royal highness had retired; of course I went down directly.

You are understood to have stated that that was after the light had been put out? Yes, the light must have been out then, it was dark.

Your only knowledge of the princess being there, was from the fact of the tent being closed? Exactly.

Do you know that any other person slept under the tent besides Pergami and the princess during that voyage? I do not know but from having heard that others slept there; I do not know; I never even saw her royal highness sleep there; I never was in the tent at the time.

The following extract was read from the former evidence:

'Do you not believe that, on the return from Jaffa, Pergami slept con-

stantly under the tent? I have heard that he did sleep under the tent, and I believe he did sleep under the tent.

'Without referring to what you have heard, do you not believe that he slept under the tent? I have already said so.

'Believing that, do you think that degrading or not, to her royal highness? No, I think it was necessary that somebody should sleep near her royal highness on deck on that occasion; I have heard that other people have slept there too.'

Do you know that any other person besides those two ever slept there during that time? I do not know it, but by having heard it.

In the journey from Rome to Sinigaglia, you have stated you have no decisive recollection which of the couriers accompanied the princess, that you have nothing to mark it in your memory? No, I have not.

Do you remember either of those couriers going before the princess on that journey in a carriage? I have a slight recollection of it, but I do not positively recal it; I believe one of them did, but I have no positive recollection as to the fact.

The circumstance being recalled to your recollection, can you state your belief which of the two it was? I do not recollect, if I should believe either, it would be Sacchini.

But you cannot be positive? I cannot be positive.

Earl Grey.—When you stated that you thought it necessary some person should sleep near her royal highness on deck, did you mean that you thought it necessary some male attendant should sleep near her royal highness? I meant that.

Under the circumstances in which you believe Pergami to have slept under the tent on deck, did it convey to your mind any suspicion of an improper connexion between him and her royal highness? No, it did not.

Earl of Liverpool.—Do you know where Captain Flinn slept, on the voyage from Jaffa to Capo d'Anza? He slept in his cabin, and I recollect some nights his having hung his cot upon deck.

Do you know, or not, that during the whole voyage, or the greater part of the voyage from Jaffa homewards, Captain Flinn hung his cot upon deck? I have frequently seen his cot there, I do not know how many nights he slept there.

Did you not act as the private secretary to her royal highness? I did.

Do you know any thing relative to the purchase of the barona, and of its being assigned to Pergami?

The Solicitor-General of the queen submitted, whether this was a question which could be put to this witness, and contended that the proper evidence of it was the deeds.

The witness was directed to withdraw.

The counsel were informed, that the witness might be asked whether an estate was purchased and conveyed, and if he stated that it was conveyed by writings, that the examination must there stop.

The witness was again called in.

Earl of Liverpool.—Do you know whether Pergami is in possession of the barona? No, I do not, at this present moment.

Do you know whether he has ever been? I believe it was his; I do not know, but I believe it was.

Was not the name changed to the Villa Pergami; was it not called the Villa Pergami? I think it was.

Marquis of Lansdown.—Do you know where the Countess Oldi and Victorine slept on the journey to Jerusalem? I think the Countess Oldi had a tent of her own, but I do not know whether she slept there or not; or whether she slept under one of tents with the chambermaids who were there, I do not know.

Or Victorine? Or Victorine: I have never seen them sleeping, therefore I do not know.

When you state, that her royal highness and Pergami may have been walking arm in arm upon the deck of the polacca, do you mean that her royal highness may have been leaning upon the arm of Pergami? Yes.

Did her royal highness, during the time that she was on board the polacca, ever lean upon your arm in the same manner? It is very possible, I do not recollect the point marked, but her royal highness has walked arm in arm with me very often.

During the period of your residence in Italy, have you ever seen any entertainment, either at the house of her royal highness or at any other place, in which the characters of Harlequin and Columbine were sustained in the same manner that they usually are in this country, in what is called a Harlequin farce? All I have seen is, I have seen Louis Pergami in a Harlequin's dress, and more than once I have seen him.

Can you state whether you have ever seen the part of Harlequin sustained in Italy in the same manner that it is in England? I do not think I ever did.

Earl of Limerick.—Upon those occasions, when you state that you believe that Pergami slept under that tent, have you any reason to think that any third person, male or female, slept under that tent? I do not know.

Will you swear you never saw Pergami kiss her royal highness? I will swear I never saw Pergami kiss her royal highness.

You are understood to say, in a late part of your examination, that you thought it necessary that a person should sleep under the tent; what did you conceive that necessity to arise from? I never represented the necessity myself; but upon the occasion of thinking of it, I must confess that I think it was necessary for some person to be near her royal highness; a woman alone upon a ship's deck at sea, I should think perfectly authorized in having some person near her.

Would not that necessity have been equally met by any of her numerous suite having either their hammocks slung upon deck, or some person mounting guard outside the tent, instead of sleeping in a covered tent, in the dark? The thing never suggested itself to me before; but the suite was not so numerous as to admit of one person being always on watch round her tent; there could have been only Captain Flinn and myself, as to Count Schiavini, you could not expect from him, a man who had never put his foot on a ship's deck before, to keep such a watch upon deck.

Could not a hammock have been slung equally well for any such person, as it was slung for Lieutenant Flinn, who usually did sleep on the deck? A hammock might have been slung there, but the act of Flinn's bringing his cot on deck was merely to have the cool air, to be more comfortable.

Would it have been a severe hardship on that English sailor to whom you have referred? He was not on board.

Would it not have equally answered the purpose to meet that necessity you have stated, if a female had been placed in that tent instead of a male person, or besides the male person, the tent being fully equal to the containing three persons? I cannot say as to that, there might have been fifty other ways, as to that matter; we might have all of us slept round the tent outside as well as one.

Was there ever any order given to the officer of the watch to watch especially over the person of her royal highness? No, I do not recollect it; the officer of the watch was the mate of the vessel.

Were any suspicions entertained by you of the crew, or any part of the crew? None.

Then it was not from any apprehensions of the crew you conceived it necessary that a man, a male, should sleep under the tent upon the deck with the princess of Wales? When I saw the thing, I looked upon it in that way.

In what way? That it was not at all improper that he should have slept there, her royal highness being on deck by herself.

Are you to be understood to say distinctly, that you do not conceive there is any impropriety in a male person sleeping in the same tent, the lights being out, with a female? From the manner in which the hatchway was open, and all the doors below, there was no mystery in it whatever.

As you are a married man, would you have any objection, or conceive it improper that Mrs. Hownam should so sleep in a tent in the dark with a male person? I trust that every man looks upon his wife without making any comparison or exception; I never made the comparison.

You cannot form an opinion upon it? I cannot form an opinion.

Do you say that you see no impropriety, situated as the tent was open towards the deck below, in a male and female sleeping so placed in such a tent? I do not conceive there was any impropriety in the thing because I must felt it, and I did not feel it; I have seen so many situations that her royal highness has been placed in, in the course of her travels, that I do not look upon it as improper.

What do you mean by saying, you have seen so many situations, in the course of her royal highness's travels, that you do not think it improper? At Ephesus the princess of Wales lay under a sorry shed, that you would hardly put a cow into in this country, in the midst of horses, mules, Jews, Turks—all I can say is, that the idea did not strike me as improper.

You recollected that Louis Pergami was dressed as a Harlequin, you do not recollect, it seems, the dress or character of the princess of Wales; did you see Louis Pergami and the princess dance, in any part of those representations, together? I have seen Louis Pergami frequently dressed as a Harlequin, and it was that which impressed upon my memory that he was dressed as a Harlequin; that evening we all danced together, and I was dressed as a Greek.

As in this piece of Harlequin and Columbine the principal part most probably was not omitted, who did play Columbine? I do not recollect; if I did recollect that the princess played Columbine I would state it.

Your recollection served you as to another of these farces, in which you state the princess played the part of an Automaton, is that correct? Yes.

You were understood to say, that part of the farce consisted in the representation of the selling of this Automaton, and, of course, the buying of her? It was the plot of the history that has marked it upon my memory.

What did the Automaton do; was she sitting, standing, lying, running, or what? I think in a box standing up.

Do you conceive that those acts, so stated by you, are consonant to the high dignity of the royal personage about whom we have been speaking? I do not consider it in the least derogatory to her royal highness's rank, knowing the pleasure she takes in that sort of entertainment.

Adjourned.

THIRTIETH DAY,—THURSDAY, OCT. 12.

On the formation of the court, counsel were called in, and the examination of *Lieutenant Hownam* was resumed by their lordships.

Do you know where it was that the princess took her bath on board the polacca, what cabin, or where? I never saw her royal highness take a bath on board, consequently I cannot tell.

You have stated that you were with her royal highness at Trieste, can you speak, from your own knowledge, whether after the time you joined her royal highness in Italy, she ever was at Trieste, except upon the occasion you have referred to? Never.

Do you know the reason that Pergami was selected to be in her royal highness's tent in preference to yourself or Mr. Flinn? I do not.

Is it customary for a sentinel to sleep on his watch? It certainly is not customary for a sentinel to sleep on his watch.

On board of what ship have you served? I served in many ships.

Be good enough to name them, and the captains? I have served in the Africaine, Captain Manby; in the Lively, Captain Hammond, in the Centaur, Sir Samuel Hood; in the Barfleur, Captain M'Cloud; in the Lavinia, Lord W. Stuart; in the Resistance, Captain Adam, Captain Rosenhagen, and Captain Pellew; in the Undaunted, Captain Usher; I think those are all the vessels I have served in.

How many years have you served? Since the early part of 1803.

You are understood to have said, in answer to a question put in the latter part of your examination, that there was no mystery or concealment whatever in Pergami's sleeping underneath the same tent with her royal highness on board the polacca; on other occasions, when Pergami may have slept near her royal highness during that journey, was there any mystery or concealment of any kind? None whatever.

What is your opinion of Pergami, as the servant of her royal highness? I must here confess that he was excessively attentive, and most ready in his duty.

Was he among the servants of her royal highness more likely to be selected, on account of his fidelity and attachment, than any other to guard her royal highness? I should think, from the way I have seen the Marquis Ghisiliari and other persons conduct themselves towards him, that it would authorize that.

No suspicion was ever entertained in your mind, in consequence of the circumstance you have mentioned? None.

You have been asked relative to Mrs. Hownam, to which you declined giving any reply, have the goodness to state about the age of Mrs. Hownam? About thirty.

You are well acquainted with Lieutenant Flinn? Yes, I am.

Do you believe Lieut. Flinn a man to be believed upon his oath? I believe Lieut. Flinn to be a perfect man of honour.

What was the distance from the steerage to the tent? They are upon separate decks, the steerage of the vessel is underneath.

From the helm? Five feet probably.

You have said, that sometimes during the voyage from Jaffa, Lieut. Flinn slept on deck, do you not think when Lieut. Flinn slept there, her royal highness was sufficiently protected? His sleeping there was a thing that was not constant.

When he did sleep on deck, was her royal highness sufficiently protected? I should think she was sufficiently protected.

If Lieut. Flinn had slept upon deck during the whole voyage from Jaffa to Syracuse, would it have been necessary that any one should sleep in the tent with her royal highness for her protection? There may have been many reasons; the ship rolling very heavy—an accident might have happened in the tent, and twenty things—a sea breaking on board.

You have said that at night you sometimes went up the ladder from the dining-cabin to the tent, but that finding the princess had retired for the night you withdrew; how do you reconcile this proceeding with your opinion that there was nothing indecent in Pergami passing the night in the tent with her royal highness? I withdrew from the impossibility of getting on deck, as the tent came close round to the combings of the hatchway, all round on the side on which the ladder was placed.

What was the occasion of your going into the dining-room, and from thence into the tent? From the habit of going up there all day; I did not know that the tent was closed; it was not absolutely in the night; ten o'clock, I think I said—towards the evening.

At what period of the year was this? We left Jaffa, I think, on the 17th July, and we arrived at Syracuse, I think, on the 20th of August.

Do you mean to say, that at that period of the year, it was not dark at ten o'clock? It was night-time, it was dark; it was as dark as it is at such an hour in such a climate.

When you went up the ladder, at ten o'clock, did you not know that the tent was closed? I did not.

Have you any reason to believe, that after the violent attack made on her royal highness's house at Genoa, or from any circumstance preceding your calling out Baron Ompteda, or from any other circumstances at that time, her royal highness entertained any particular apprehensions with regard to her personal safety? She did, because she has mentioned it to me.

Did she, in consequence of such apprehensions, express to you a wish at that time to be more closely attended by the male part of her establishment? I have heard her frequently mention this affair, saying, she would have somebody always near her; I cannot recollect the precise words it was mentioned in.

You have stated, that on account of the rolling of the ship, as well as

for the protection of her royal highness, it was necessary to have somebody in the tent with her; would not yourself or Mr. Flinn, or any seafaring person, have answered that purpose better than a landsman, if it was on account of the rolling of the ship? I should imagine if that was the only cause, certainly a seafaring man would be most capable of rendering assistance.

Could not he have answered both purposes, have protected her royal highness, and have assisted her in the event of the rolling of the ship? I trust he could.

Did any facts to your knowledge occur at the princess's residence, that occasioned the quarrel between you and Baron Ompteda? By the confession of a servant; I saw the servant on his knees, begging pardon for his crime.

Mr. Attorney-General submitted that the words, "By the confession of a servant," could not stand on the minutes.

The counsel were informed, that each lord in the house would of course be aware that the witness, having stated that he knew it only by the confession of a servant, it must be taken, that he did not know it at all.

Before whom was that servant kneeling, and what was the name of that servant? Before the Princess of Wales, his name was Maurice Credè.

With whom did this person, Maurice Credè, live; whose servant was he? He was the servant of her royal highness the Princess of Wales.

Do you know where Maurice Credè now lives? I have heard that he is in England.

With whom? I do not know with whom; I have not heard with whom.

Did Majocchi ever mention Ompteda's name to you? I recollect perfectly, at Rome, mentioning to Majocchi the commands of her royal highness, that the servants should not, on meeting Baron Ompteda, molest him, or offer him any insult. I never had any conversation with the lower servants of the house on such a subject, consequently he never could have mentioned it to me.

Majocchi never mentioned Ompteda's name to you? I do not recollect it; I do not know that he did.

When you saw this man upon his knees to her royal highness, did you hear her make any reply to his question of asking forgiveness? She forgave him.

Do you recollect the words? I cannot recollect the words.

You have stated that you have seen her royal highness walking arm in arm with Pergami at the Villa d'Este, was she then with Pergami only? I do not remember any one particular time to have seen them alone in the garden walking arm in arm.

Are you positive you have never seen them so walking whilst Pergami was courier? I do not recollect ever having seen them so walking while Pergami was courier.

Did the Baron Ompteda dine at the princess's table at Milan? I think he did.

Did he at Como? He did.

Did he at the Villa Villani? He did.

Did Majocchi wait at the princess's table at those places? He did.

You have said that you considered it necessary, in the situation of the

Princess of Wales on board the polacca, that a male attendant should sleep near her; did you ever express that sentiment to the Princess of Wales herself? I never did.

In the reasons which you have assigned for not considering it a degradation in the Princess of Wales to sleep under the tent with Pergami, you have said, that there was no mystery in the case, and that the hatchways were open; you have since said, that in an attempt one night to go up the hatchway, you found the tent closed; do you consider that there was no mystery in that? The tent being closed, her royal highness had retired to rest; I did not consider there was any mystery whatever in that.

Was Pergami in the tent at that period? I did not see him: I do not know; I cannot say.

Do you know that he was not in the tent? I do not know that he was not in the tent.

You have already said that you have heard and believed Pergami slept in that tent; have you any reason to believe that he was not in the tent at that period when the tent was closed? I never thought about it, I did not think of it.

You have before said, that you never represented to her royal highness the Princess of Wales that it was necessary for a male domestic to sleep near her upon the deck, you consequently could not be the recommender of the measure; when you considered it necessary for a male domestic to sleep near the Princess of Wales in the tent, did you consider that it was necessary for a male domestic to sleep within the tent? I never represented the one nor the other.

You have said, that you thought it necessary for a male domestic to sleep near her royal highness; did you think it necessary that a male domestic should sleep within the tent? I never thought of the thing at all; and, probably, had there been nobody under the tent I should have taken as little notice of it, as I did when there was somebody under the tent; when I heard it, I supposed it was necessary; I thought it was necessary within myself.

Was it for the princess's safety you thought it necessary a male domestic should sleep near her? Her royal highness thought so, and I did not think otherwise.

You have already stated, that in your opinion it was necessary, but that opinion you did not communicate to her royal highness the Princess of Wales; but in your last answer it appears as if the Princess of Wales did communicate it to you; did the Princess of Wales in fact communicate it to you? She did not; not on that occasion; except after the business of Genoa, after the general remark that she had always made; not, with the exception of that.

What was the danger to be apprehended on board the polacca? I do not know any immediate danger.

Was there any danger? I do not know any immediate danger, not personal danger; if I had thought that, I should not have been easy myself to have slept below.

Was there any danger sufficient to have induced you at any time to recommend a male attendant sleeping within the tent? I never did recommend it.

You have said that at Carlsruhe the princess dined with the grand duke, except one day that she dined with the margravine; did you dine in company with her royal highness on those occasions? I did.

You have said also that she supped at the grand duke's, and also at the margravine's, did you sup in company with her? Yes, I did.

At what o'clock at that court is the dinner? I positively cannot recollect that.

About what hour? I do not recollect the hour sufficiently to be able to mark it.

Have you any recollection of the lateness of the hour of supper and the evening parties there? I cannot say to what hour they lasted; they lasted late in the evening, probably 12 o'clock.

Can you, of your own knowledge, say whether the princess had time to return home between dinner and supper, between the dinner and the subsequently going to the other house, or supping at the same house? I should imagine yes.

Did she, to your knowledge, on any one of those days, return home between the dinner and the supper? I do not recollect that.

Will you undertake to say that she did not? I will undertake to say that I do not recollect the circumstance; if I had the smallest recollection of it, I have no end in keeping it back, in withholding it.

Your attention is directed to the time when Pergami, Camera, and Theodore, took leave of her royal highness on disembarking at Terracini; you mentioned that they, each of them, kissed her hand; do you know that Pergami had not taken leave of her royal highness before coming on deck? I do not know that he had; I have not an idea of it.

Did you see those three persons come upon the deck together? No; I think we were all on deck together.

Pergami, Theodore, and Camera? That is the recollection I have of it; every body was upon deck.

Did you ever see Pergami take leave of her royal highness upon any occasion, in a different manner from those men just mentioned, Camera and Theodore, or any other persons of her suite? I have seen him take leave more than once, and I never saw any thing else but the kissing of her hand, as every one else did.

You have frequently mentioned her royal highness sleeping in the tent on board; the sleep, when you mentioned her sleeping in the tent, is it to be understood that you meant that she rather reposed upon the sofa, than slept, in the general acceptation of the word sleeping, going to bed, and pulling off her clothes, for the sake of rest; are you to be understood that she reposed with her clothes on, when you make use of the word sleeping? I do not believe her royal highness ever took her clothes off on board the polacca, except to shift herself in the day, to change her dress; that is my firm belief I mean in the voyage back from Jaffa; on the first voyage she slept in the cabin.

You did not positively state that you knew that Pergami was under the tent? I never saw him there.

If you state that it was your belief that he was under the tent, do you also believe that Pergami reclined in the same manner on the other bed, with his clothes on? I do not think that Pergami ever took his clothes off either, while sleeping under the tent, for I never saw any bed-clothes on that bed.

Do you know where it was that her royal highness changed her clothes on the return from Jaffa, whether it was in the tent, or below? Below, in her cabin; I never saw her change her clothes upon deck.

You never saw her change her clothes? No, not any where.

Did you, from the window of the Villa d'Este, ever see a dance that Mahomet performed at that time? I did, I recollect, particularly once; I was in her royal highness's room; I forget now what it was for, something I had to do, and we heard a noise in the court-yard; her

royal highness went to the window, as I did also myself, and Mahomet was exhibiting this dance before, I did not know who they were, but several persons in the court-yard.

Do you know where Majocchi was at that time? I did not take particular notice of him; there were many servants there; I cannot say positively that he was there.

Was any other person in the room with her royal highness besides yourself, at the time you looked out of the window, and saw the performance of this dance? I do not think there was; I have not a recollection of any body being in the room but myself.

Did you conceive there was any great impropriety or indecency in this dance? Most certainly not; I never did.

How long is it since you saw Captain Briggs? I have seen Capt. Briggs, at Portsmouth, about two months ago.

Did any conversation pass between you at that time upon this subject? Captain Briggs declined entering into any conversation on the subject.

You never have, to the best of your recollection, had any conversation on the subject with Captain Briggs, since you were on board the Leviathan? I never have; I have only seen Capt. Briggs once since that time, which was in this house; he shook hands with me, that was all.

If you ever have had any conversation with Captain Briggs, you think you would recollect it? I think I should recollect it.

You say that when you saw Capt. Briggs at Portsmouth, he declined having any conversation with you upon the subject of this inquiry; did you propose any such conversation to him? The object of my going to Portsmouth was that; it was from myself.

What was your reason for wishing to converse with Captain Briggs upon that subject? I heard that Capt. Briggs was coming as a witness against her majesty, and I felt convinced that it could not be so, and I declared that I thought so, and that I would go and ask Capt. Briggs himself.

What did you, in point of fact, ask Capt. Briggs? I asked him if it was a fact that he was coming.

What was Capt. Briggs's answer? He said he thought he should be called, he was afraid he should; that his testimony should be nothing but what was honourable and just.

Was that the whole of Capt. Briggs's answer? I think it was, I do not recollect any thing more.

In that answer Capt. Briggs does not appear to have declined entering into any conversation on the subject? Capt. Briggs told me he could not enter into any conversation.

Did you ask Captain Briggs to enter into any further conversation? No, I did not press Capt. Briggs on any particulars, only asked him if he was coming, and so forth; I forget the words exactly.

When did you see Capt. Briggs in this house? The day he gave his deposition.

Were you present during the examination of Capt. Briggs? No, I was not.

Had you any conversation with Capt. Briggs at that time? None but a few words; he shook hands with me over the banisters, and said, "I hope we shall shake hands when I come out."

That was the whole of the conversation? With the exception of "How do you do."

Did you ever see the tent closed on board the polacca, on the voyage from Jaffa to Syracuse, during the day? I have seen her royal high-

ness falling asleep in the day-time, and I have closed the tent partially myself, brought it round so as to prevent the sun, or whatever it might be; but to close it close, I never saw it.

Were those the only occasions on which you saw the tent closed during the day-time? I do not recollect ever to have seen it closed, but on such an occasion it never was to say closed.

How frequently might that happen in the course of a week? I do not remember; I cannot say; it may have happened once or twice, or more times; I do not remember the number of times it happened.

Did you remain on deck after the tent was so closed? I may have remained on deck; yes, I dare say I did; it is more than probable I did.

Can you take upon yourself positively to say that you ever did? It is five years ago; I cannot remember so as to say that I did; it is a long time ago; I cannot remember such a fact as that.

When the tent was so closed, was any person under the tent except her royal highness? I have not seen any body.

Can you positively say, that when the tent was so closed, you saw no one under the tent except her royal highness? I can positively say, that I never recollect to have seen any body under the tent when the tent was so closed.

Did you ever go into the dining-room while the tent was so closed during the day? I do not recollect.

At what hour were you in the habit of leaving the dining-room in the evening? Eight or nine o'clock; I should think it might have been half-past nine.

At what hour were you in the habit of returning to the dining-room in the morning? I should think, we breakfasted about ten.

Did you ever, on any occasion, enter the dining-room between the hours of eight or nine in the evening and ten in the morning? To go up that ladder, I must have frequently gone through the dining-room to go up that ladder on deck.

Could not you have gone on deck without passing up that ladder? O yes, there was another passage; in fact, I believe there were two other passages.

You have said, you were not in the habit of remaining in the dining-room after eight or nine in the evening, and that you were not in the habit of returning to the dining-room till breakfast-time in the morning; did you return to the dining-room after you had left it at eight or nine in the evening, and before you returned to t to breakfast? Only on the occasion of going upon deck after supper; to go on deck I have gone up that ladder.

What was the supper hour? There was no hour fixed precisely; eight, or half-past eight, or nine o'clock,, as nearly as I can recollect from the time that has elapsed since.

Are you to be understood to say, that after supper you did not return to the dining-room till breakfast, except for the purpose of going up that ladder on deck? I had no other occasion in the dining-room, but the going on deck.

What is the latest hour at which you ever passed through the dining-room? At night I cannot say exactly to the hour; it might have been, as I said before, as late as ten or half-past ten that I have gone up the ladder; sometimes the tent was closed later than at other times, I cannot say to half an hour.

Did you ever enter the dining-room after you knew the tent was closed? No, I should have gone up the ladder.

Endeavour to give a more distinct answer? I do not recollect to have ever entered the dining-room after the tent was closed, knowing it to be closed.

Between the hour of half after ten at night, and the time at which you returned to the dining-room in the morning, you had no means whatever of knowing whether the hatchway was closed or not? I cannot know that; I was asleep, I was in bed, the thing might have been done when I was asleep, but I do not believe it ever was.

The following extract was read from the evidence given on the preceding day.

"Are you to be understood to say distinctly that you do not conceive that there is any impropriety in a male person sleeping in the same tent, the lights being out, with a female?" "From the manner that the hatchway was open, and all the doors below, there was no mystery in it whatever."

Have you any personal knowledge that the hatchway and the doors were always open? I have always seen the door of the dining-room open, and as I stated before, I ran up the ladder at a late hour, the hatchway was open certainly, and I do not know that ever it had been shut.

Have you ever seen the tent so closed during the day, that any part of the crew passing might not have seen who were within? No, I never did.

You have said, that you went up the ladder at a late hour of the night, what do you mean by the term late, how late was it? Between the space after supper, and the ordinary time for closing the tent on deck; I have said, I believe, ten o'clock, but I may be out half an hour, or even an hour, I cannot be positive.

Do you mean to say, that from that hour, ten at night till ten in the morning, the tent remained quite undisturbed? I have never seen it touched after that time; I have been in my bed, and when I have come up in the morning (I am rather a late riser) it was always open.

Do you know, of your own knowledge, that the hatches were not within the tent? To my knowledge they were not within the tent.

Do you mean that you know they were not within the tent, or that you have no knowledge that they were within the tent? I have no knowledge that they were within the tent.

Did you write your own challenge to Baron Ompteda? I did.

It was your own composition? My own composition.

Are you well acquainted with the French language? I wrote it in English.

Was it sent in English? It was sent in English.

Did you give any copies of it, or know of any copies being given? I do not recollect having given any copies of it.

Was there a companion to the hatchway? There was not.

No protection at all? No companion, it was quite open.

Were the rest of the suite in the habit of using that ladder in the day-time? Yes, they were.

Was not the princess, in fact, extremely fatigued by her voyage from Jaffa to Syracuse, and extremely impatient to get ashore; and did she not complain, her legs being swelled, as a person who had not been a-bed? I perfectly recollect the fact.

Do you mean, that you recollect her royal highness's legs being swelled? I never saw her royal highness's legs.

Do you then mean, that her royal highness told you her legs were

swelled? She did, in talking of the excessive fatigue of being on deck; I forget how many days now, but it must have been near forty days or more; she said that her legs were excessively swelled.

Have you read the evidence, as printed in the newspapers, in this cause? I have not even read my own evidence of yesterday.

Have you read the evidence of Majocchi? I have.

Have you read the evidence of Demont? I have.

Have you read the evidence of Sacchi? Partially, not all.

Were particular passages pointed out to you to read in the evidence of Sacchi? No, not that I recollect.

How did you select the passages you read in the evidence of Sacchi? I have selected no passages; I have read them as any one would read them; I do not remember a single passage in Sacchi's evidence; I could not repeat one.

Are you a knight of the order of St. Caroline? I am.

Have you a diploma as such? I have.

Can you produce that diploma? I can.

You have said that you arrived at Trieste at noon, and that you quitted next evening, I think, between six and seven o'clock? I think I said between five and six.

Does your recollection lead you to that fact, or does your knowledge of that fact depend totally upon the letter you had written to your wife, which you have in your hand? I have already fixed upon twenty-four hours being about the time we were at Trieste, and I only found the letter after I had so fixed my opinion.

Do you recollect anything passing at Trieste about her royal highness endeavouring to obtain a sum of money? At Trieste I do not even know that she sent for her banker; she may have sent for her banker, but I do not know anything of it; I do not recollect anything of the sort.

You have said, you first saw Pergami at dinner with her royal highness in a courier's dress at Bellinzona, did Pergami on that occasion come into the room with her royal highness? No, I think he was in the room, and her royal highness desired him to sit down.

Did he sit on that occasion next her royal highness? I cannot recollect that; I do not recollect that.

Do not you recollect where Pergami sat, in a courier's dress, the first time you had ever seen him at her royal highness's table? I do not recollect it, or I would say so.

Do you remember whether her royal highness spoke to him in the course of the dinner? She may have spoken to him, but I do not recollect the fact; I do not recollect her saying anything particular to him.

Do you remember speaking to him yourself? No, I do not.

Did not Pergami wait at table when you dined with her royal highness? At Genoa; after Genoa I do not recollect that he ever did.

Have not Louis Pergami and the cousins of Pergami waited at table when you dined with her royal highness? Yes, they have.

Have you not seen at her royal highness's table, the brother, the sister, the mother, and cousins of Pergami? I do not recollect the cousins; I have seen the former ones, but not the cousins at table, I think.

Did you never see the cousin, that was an accountant, at table? No, I have never seen him at table.

Did you ever see Pergami's wife at table with her royal highness? I never saw her at all.

Were you ever at the Villa d'Este or the Villa Pergami when her royal highness was not there? I think I went once to the barona with Pergami.

Recollecting that you have dined at her royal highness's table with Pergami, whom you have seen serve at her royal highness's table, with Louis Pergami, who has served you at her royal highness's table, with Pergami's sister, and with his mother; and when you recollect the circumstance further; that you have sworn to your belief that Pergami was under the tent with her royal highness at night, between Jaffa and Capo d'Anza; do you persevere in swearing upon your oath, that you have seen her royal highness do nothing improper or unbecoming of her station? I speak for myself; I had no greater claim to sitting at her royal highness's table than either of those people; I have seen people sitting at her royal highness's table, while their fathers have been waiting at table; and I never saw any thing in the conduct of her royal highness, knowing the way she treats everybody, to authorize such an opinion.

Did you ever wait at her royal highness's table? Never.

Mr. Brougham.—A lieutenant in his majesty's navy is asked, if he ever waited at table!

The Lord Chancellor.—Mr. Brougham, you may object to the question if you think it improper, but you are not to make such observations if a question offends you.

Have any of your relations sat at her majesty's table? I do not believe they ever did.

Did you ever see Mr. Vallotti Pergami sitting at her royal highness's table? I do not know by that name, I recollect an uncle.

Uncle? He was.

[Here a series of questions and answers relative to her royal highness's visitors at Como was read from the witness's evidence of yesterday.]

Who is Doctor Mocatti? He is professor of physic at Como, and I believe president of the college.

Is physic taught at Como? I think he is the professor of physic; he is called the Professor Mocatti.

Is he not the practising doctor in that place? He is.

Who is Mr. Cavaletti? Cavaletti was equerry to the Viceroy of Italy, Prince Eugene, and I believe he was lately in the service of Napoleon Buonaparte; and was at the Battle of Waterloo in his suite.

Was he often at her royal highness's house? Very often.

Besides Mocatti and Cavaletti and the Chevalier Tamasia, whom else can you name that visited at that time? At the dances I do not recollect any other name.

Do you conceive a courier and a lieutenant in his majesty's navy equally entitled to sit down at her royal highness's table? Any body that should sit down at her royal highness's table, by her command, would authorize, I believe, a person of higher rank than a lieutenant of the navy to sit down with him.

Early in your examination yesterday, you entered into the minute circumstances of your father, was your father ever in the service of any other person than the royal family? I can only speak from report, I believe he has been in the service of Lady Charlotte Finch in his late majesty's household.

You having stated that her royal highness embarked in Sicily to go up to the Levant, and to return in her royal highness's suite, except yourself and Lieutenant Flinn, was there any body in her suite used to the sea? None that I know of, except one English sailor.

Have you a personal knowledge of the hatchway being open in the interval from the time at which you left the dining-room till the time at which you returned to it? I have a thorough conviction that it never was shut.

Have you any personal knowledge of the fact? From seeing it open when I ran up.

Could not the hatchway be closed without removing the ladder? To have closed the hatchway the tent must have been opened, as the tent covered the hatchway.

Where was the cover of the hatchway itself? The hatchway itself was on the deck of the vessel; I do not know in what part of the deck the hatches were kept, whether they were on deck or down below.

Did you ever see the hatches under the tent? No, I never did.

Who slept in the dining-room in the voyage from Jaffa to Syracuse? I do not know; I have never seen any body sleeping there; I have seen a bed there in the day-time, rolled up, but I never saw any body sleeping there; I do not know who slept there.

Where did Majocchi sleep? He ought to have slept down in the hold, where the footmen slept; I never saw him sleeping down in the hold, because I never was down in the hold to see them.

Did Maurice Credè continue in the service of her royal highness after you saw him upon his knees? He continued in the service of her royal highness as far as Nuremburg, on the journey to Vienna.

How long was that? It was in the beginning of the month of November that this circumstance happened, and I think it was in the latter end of March or the beginning of April, in the following year, that we were at Nuremburg.

Where did he leave her royal highness's service? Her royal highness, I believe, gave him as a courier to her aunt, the Margravine of Bayreuth.

Was the tent closed during the day-time by the orders of Count Schiavini? It may have been; I do not know.

Was it ever completely closed, as at night? I never saw it so.

Can you take upon yourself to say, that any one who swore that it was so closed would have sworn a falsehood? I cannot say that; not having seen it myself, I cannot answer for what another person has seen.

Did you know from the beginning the time that her royal highness slept in the tent on deck? It was from Jaffa.

Do I understand you rightly, that from the first night that her royal highness slept in the tent, you were fully aware of that circumstance? I was aware of it as much as I could be aware of it, without seeing her royal highness actually on a sofa.

You being aware that no one of her royal highness's suite was used to the sea except yourself and Lieutenan Flinn, did you offer to afford your assistance in sleeping under that tent with her royal highness? I did not.

You have stated in your evidence that an English seaman was discharged; where was he was discharged? At Athens.

How long had he been on board the polacca? I should think about two months.

Do you know the reason of the man's being discharged? It was in consequence of a quarrel, and, I believe, a fight, with the cook.

There was no other reason than that for his discharge? I never heard of any.

When you state that you have seen the tent during the day partially

closed, do you remember on any one occasion, while that tent was so closed, having seen Pergami? I never recollect the tent so closed, but when it was closed in consequence of her royal highness having fallen asleep, as I said before, I have closed it partially; but with the exception of that, I do not recollect any other circumstance that should cause it to be closed.

Do you remember at any one time, when it was so closed, having seen Pergami? I do not.

Do you recollect whether the tent was usually open in one part of it more than another? No, I do not.

When you witnessed that dance of Mahomet in the court of the Villa d'Este, and when you saw her royal highness looking out of the window, can you assert that it was a dance of that kind that a woman of virtue or of common delicacy of mind could behold without disgust? It was not more indecent in my opinion than the Spanish bolero.

Were you not commissioned by her royal highness to convey some message to Captain Pechell on board the Clorinde? I was.

Do you remember what the instructions were which her royal highness gave you upon that occasion? I do not recollect them word for word, but the purport of it was, that she would keep her own table, in fact.

Do you recollect whether those instructions were coupled with any observation upon the part of her royal highness upon Captain Pechell's conduct towards her? I do not.

You have said in a former part of your evidence, that her royal highness treated all her servants with a great degree of kindness and affability? Yes.

Do you recollect upon any occasion when her royal highness had given any directions respecting her route in travelling, or the inns to which she was going, suggesting to her any alterations in that route, which you thought it desirable for her to make? I do not recollect ever such an instance.

Who generally arranged the route that her royal highness was to take? I do not know, I imagine it was her royal highness herself.

Do you know that the Duke and Duchess of Torlonia have dined at any time with her royal highness? I think they have.

Do you know whether the nephew of the Duchess of Torlonia, Carlo Forti, waited at that time at table? It is the first time I have ever heard that Carlo Forti was nephew to the Duchess of Torlonia.

Do you know whether Carlo waited at the time at the table? Carlo Forti never waited at table.

What was the nature of the dress worn by Pergami as a courier? I think it was a bottle-green and gold, turned up with scarlet.

Was it what you would call a handsome dress? A very handsome dress.

Did it resemble a hussar's dress? No, not a hussar's dress; it was richly embroidered with Brandenburghs, I think they are called.

Did not the swell of the sea occasionally make female attendance absolutely impossible? When there was any sea, that the vessel was in motion, the female attendants were as helpless, if I may use the term, as her royal highness herself.

Is it to be understood that male attendants were absolutely and indispensably necessary, both by day and by night? I should think, that for any thing her royal highness would want, there should be a male attendant that could procure it for her.

Was there any steward, whose duty it was to attend to the cabin, and also to the deck? None in particular.

After the sea struck the tent, were the hatches closed? I think they were.

Can you mention where you ever saw the hatches lying? I cannot call that to remembrance; I do not recollect seeing them in any particular place.

Did you ever see them at all? I have seen the hatches, the sky-lights; I have seen them on the deck, but at what spot I cannot tell.

Were they a grating, or closed? They were sky-lights.

You have stated, that the first time you saw Pergami dine with the Princess of Wales in his courier's dress, you do not recollect where he sat; will you swear he did not sit next to her royal highness? I do not recollect the circumstance, I have said so before.

If Pergami had sat next to her royal highness, do you think you should not have recollected the circumstance? I do not recollect it, or I would say so at once.

The following questions were put at the request of Mr. Attorney-General:

Had you not a Genoese servant of the name of Francisco, attending you at Ruffinelli? I had a Genoese servant, of the name of Francisco, but he was not my servant when we were at Ruffinelli.

Was he then a servant of her royal highness, and wearing her royal highness's livery? He was.

Do you know where that servant now is? No, I do not; I have seen him in London, but I do not know where he is now.

When did you last see him in London? I am not quite certain as to seeing him since I came back from France the last time, but I think I have.

Where did you see him when you last saw him? The last time I saw him was at Mr. Vizard's.

Granville Sharp, Esq. examined by the Solicitor-General of the Queen:

Describe to the house what situation you hold in life? I have been in the East India Company's service nine years, in the army.

Have you resided in the East Indies? Yes.

How long have you lived there? Above nine years, almost ten.

When did you return from India? About three years ago.

When you resided there, did you ever see the Moorish dance called "Dema Dema?" I have seen the Moorish dance, but did not know it to be called by that name.

Was it accompanied by any expressions? Yes.

Do you remember what those expressions were, the sounds? Different unmeaning sounds, some of which I cannot remember; I do not know that I can remember any.

Is there any thing indecent in this Moorish dance; any thing unfit for women to witness? Certainly not.

Whereabouts are the hands held during the dance? The hands are thrown about in various directions, generally above the head.

Are the knees bent; is there any curtseying? Yes, it is accompanied by curtseying throughout.

Do the unmeaning sounds you describe form a tune that the dancer dances to? Yes, they sing it to a tune.

Where have you seen this, at Calcutta? I have seen it at Calcutta.
In what places? In the government-house.
Who was governor at the time? The Marquis of Hastings.
Was his Excellency present while this dance was exhibited? He was.
Was the marchioness there? She was.
And other ladies? Yes, other ladies.
Do you remember whether the Bishop of Calcutta was present? Yes, the Bishop of Calcutta was present.
Was his lady there? Yes, she was.
It is not asked whether there was any thing indecent in the dance that was so exhibited? Certainly nothing.
That was the ordinary Moorish dance? That was the ordinary Moorish dance.

CROSS-EXAMINED BY MR. PARKE.

There are many other kinds of dances danced in the East Indies, are there not? They are all in the same character; sometimes the dances are quicker, sometimes slower.
How many persons danced at the dance you describe? One person at that particular dance I mean.
Are there any dances at which ladies are not present? I never heard of any; I believe not.

Santino Gugiari examined by Dr. Lushington:

Were you ever in the service of her royal highness the Princess of Wales? I have been.
In what capacity? Factor.
What were the duties you performed in that situation? To keep a watch upon the working people; to mark down their accounts, and to pay them on the Saturday; to take care and distribute the wine to the family, and all other services which the masters commanded me in regard to the house.
Where was it you performed those duties? In the Villa d'Este, in the gardens of the Villa d'Este, in the vineyards, &c.
How long did you continue to perform those services? I was born in that place, and when I was eighteen years old I undertook the office of factor.
How long were you in the service of the princess? From the moment she bought the Villa till she left the place.
Do you know Luigi Galdini? I do.
What is he? He is a mason by trade.
Did you ever employ him? I have.
At what wages per day? Two livres of Milan per day.
Do you know a person of the name of Brusa? I do not.
Do you know a person of the name of Raggazoni? I have heard that he was a mason who worked at the Villa, perhaps I may know him by sight.
Do you know Paolo Raggazoni? I do not.
Do you remember the grotto at the Villa d'Este? I do.
Do you remember there being at the Villa d'Este two statues of Adam and Eve? I do.
Did they ever stand in that grotto? They were in the grotto.
In what room in that grotto did they stand? In the first rotunda or octagon.

Was there another rotunda or octagon? In that grotto?

Yes? There were two octagonals.

Was any cornice made to the rotunda or octangular room in which those statues stood? There was not.

Was there any scaffolding erected, or any work done to the cornice in that octangular room where the figures of Adam and Eve stood? There was not.

Was there any cornice made in any other octangular rooms? There was.

In both or in one only? In one alone.

Describe the passage or mode of communication from the room where the statues of Adam and Eve stood, to the octangular room where the cornice was made.

The witness made a drawing.

Interpreter.—This is a drawing the witness has made of the grotto; the octagon where the statues of Adam and Eve were, and of the octagon where the cornice was made, with the corresponding passages and staircases, &c.

The same was delivered in.

Could workmen at work at the cornice in the octangular room by possibility see the statues of Adam and Eve in the room in which you have stated them to have been in the grotto? They could not.

Why? Because the passage, the communication, is crooked, and prevents the sight.

Did the statues of Adam and Eve ever stand in any other room in that grotto, except the one you have already stated? They did not.

Was a cornice made to any other room in the grotto, save the octangular room you have stated, since the princess came to the Villa d'Este? It has been made in the highest rotunda that I have marked upon the paper.

Has a cornice been made in any other room in that grotto? A cornice was made in the two rooms; the rotunda and the square room which I have marked in my drawing.

Could you see the statues of Adam and Eve from either of those rooms in which a cornice was made? No.

When were the statues of Adam and Eve removed from that grotto? Before the return of her royal highness.

Return from whence? The return from her journey in Turkey.

To what room were those statues removed? Into one of the Mosaic rooms, which was newly built in the palace.

Had those rooms been finished completely before her royal highness returned from the long voyage? They had.

Were the workmen removed from those rooms before the princess returned from her long voyage? Those rooms had been left by all the workmen.

Had the scaffolding been taken away before the princess returned from her long voyage? From the Mosaic rooms, yes.

How long before the princess's return? About eight or ten days before her arrival.

Were those rooms then fit for the reception of her royal highness? They were.

Was the Mosaic room a round room, or not? Where the statues were, the room was square.

What was the next room to that where the statues were? The first

room, of the Mosaic rooms, there were the statues; the second was a small oblong cabinet.

Of what shape was the room next beyond the small oblong cabinet? An octagon, or round room with columns.

Could any person at work in that octagonal room see the statues of Adam and Eve? He could not, because they were by the side of the opening.

CROSS-EXAMINED BY MR. PARKE.

Were the statues in the octagon you have described when you first entered into the service of the Princess of Wales? They were in the grotto.

Were they in the same part of the grotto you have just described? They were.

Was that the largest room in the grotto that they were in? In the first octagon that I have mentioned.

Were they in the largest room in that grotto? I will not say the largest, because the square rooms are somewhat greater than the others.

Then the square rooms you describe are only a little larger than the octagon? They were.

And only a little larger? The exact dimensions properly I do not know, but they were larger than the rotunda.

How many rooms were there in this grotto? Six, comprising the round rooms and the square rooms.

Were they all on the same story? They were not.

Was there one above the other? A person mounts the steps, then comes a level, then come more steps, and then another level.

There was a few steps from one place to another, were there? In some places the steps were few, in some others there were many.

How high was the floor from one part of the grotto above the other? In the height of the first room there were ten or eleven steps, which constituted the height of the room, from the rotunda where the statues were, to the room above.

Do you mean that in going out of the rotunda to the next room, you would pass up eleven steps? About.

To what purposes were the different rooms of this grotto applied? To no purpose, except that of seeing a subterraneous place.

Was the room you have described the only room that had statues in it? The second room had a small statue representing Artemisia weeping on a tomb.

Was that the only room, besides the octagonal room you have mentioned, that had statues in it? It was the only one.

Were the rooms open to each other? After the steps.

After the steps, they were open to each other? The two rooms communicated together, the first room was the rotunda, in which there were the statues; on mounting the steps came the second room, where Artemesia was; after the second room, on the same level, there was another room, a gothic room; there is a passage, and then one step on the right, after two or three steps there is a rotunda; after this rotunda, on the same level, there is a second rotunda, larger, where a cornice was made; after that rotunda comes a half-square room.

Then the two rotundas you have mentioned were on the right, after passing through the two first rooms? You turned on the left and then you turned on the right.

Then you passed through one rotunda to go into the other? Yes, but a person may pass also by the left; there are two openings.

Were all these passages open They were open.

Were there no doors at all? No.

No doors in any part of those grottos? There were at the beginning and the end two iron gratings, a species of gates.

Could a person see through those gratings or gates? Yes, because they are open; the divisions are much apart.

Was there a pillar between them for them to rest upon? They shut up the entrance and the exit.

Did they open close upon the wall or pillar? They were attached to the wall.

They were fixed on each side into the wall; but what was there in the middle, to support them? The gates were of one piece, and they shut against the opposite wall.

Were there any pillars in this grotto, in any of the rooms? There were.

In which of the rooms were these pillars? In the second room after the rotunda, small columns.

Look again at the plan you have drawn. Looking at that again, will you swear that is an accurate plan of the place? I cannot call it exact, because there are not measures or proportion.

How long is it since you came to England? About ten or eleven days.

Did you come direct from the Villa d'Este? I did.

Did you see a man employed in the Villa d'Este to take plans of different places? I have seen several persons belonging to government taking drawings, plans, but this I do not know.

Did you not see an architect of the name of Ratti employed in taking plans at the Villa d'Este? Yes, I have.

When was it that you saw him? I cannot mention the exact time

You are not asked the precise time; did you not see him within a month or six weeks? It is more; it is about three or four months.

It is three or four months from this time that you saw him? Yes.

Does Ratti live at Milan, or at Como? He lives at Milan.

Did you come with any witnesses here? I did.

How many? Fourteen.

Did you collect and conduct those witnesses here? No.

Who was it that did? The will of those witnesses who came with me.

Did they all pay their own expenses? They came by their own will; but the expenses were not paid by them, but were defrayed by the order of Chevalier Vassali.

Did Vassali come with you? He did not.

Who paid the expenses on the road for those people? I paid for their victuals.

Of all the fourteen that you brought? Yes.

Did you apply to any persons to be witnesses for the queen before you came? To no one.

Did not you apply to one single person to be a witness? To no person.

When did you set out to come with those witnesses? A month last Sunday; I set off on the 10th of September.

Were you examined before you came? I was.

Where were you examined? At Milan.

By whom? The advocate Codazzi, and an Englishman called Henry.

Did you give the same account to them that you have done to-day? All that was true I have said.

Who has examined you since you came here? A gentleman, an advocate here, I do not know his name.

What was it you were not interrogated about by the advocate at Milan? There are many things that I have been questioned here, and that the advocate at Milan has not questioned me upon.

What sum of money do you receive for coming here? Fifty Napoleons of twenty franks each, for all the company, for all the fifteen.

Have you received any thing for yourself? I have not.

Are you to receive any thing? I ask for nothing, but if her royal highness will make me a present I will receive it, but I ask for nothing; for I have come here to tell the truth only.

Upon your oath, do you not expect money from some person, in consequence of coming here? Yes.

How did you travel here, in what way did you travel? In a carriage, by post.

Did you pay your own expenses? For the expenses of food, but not for the post.

Did you pay for the expense of food out of your own money? No.

Who gave you money? The Chevalier Vassali.

Who paid the posting? The courier, who is called Francis.

EXAMINED BY THE LORDS.

Are there any other columns in the grotto than those you have described? There were.

Where were they? There is one between two windows in the third room.

Was there any pillars in the grotto, from which it was possible to see the statues of Adam and Eve? There was no column to enable a person to see Adam and Eve.

Was there any column or pilaster from which a person might see the statues of Adam and Eve? There is a pilaster before the door with a column before the pilaster, from which a person might see the statues of Adam and Eve.

Mark whereabouts this pilaster or column was? I have not said, can be seen, but I have said, that before the door there is a pilaster, and before this pilaster there is a column.

A doubt being suggested, whether the answer to the last question but one was rightly translated, the interpreter was desired to give it in the words of the witness.

(*Interpreter.*)—As far as I can recollect, and I think Mr. Cohen agrees with me, that the question put by me to the witness was this, 'Was there some pilaster or some column from which those statues of Adam and Eve could be seen—Vi era qualche pilastro o qualche colonna da cui si potevano vedere questre statue di Adamo e di Eva?' to which he answered, 'To see those statues of Adam and Eve?' I said, 'Yes;' then the witness said, 'There was a pilaster before the door, and a column before this pilaster—Per vedere queste statue di Adamo e di Eva.' On my saying 'Yes,' he proceeded, 'Vi era un pilastro avanti la porta ed una colonna avanti questo pilastro.'

The interpretation was explained to the witness by the interpreter, and he was desired to state whether it was correct.

That is right; but as I had not understood well your question, I put that to see, and then I said that there was a pilaster and a column.

Can you say how far that pilaster was from the statues of Adam and Eve? If I could see the plan which I have drawn, I could shew the thing better.

The plan was handed to the witness.

Not this, but one that is more clear than this.

What plan do you mean?

Doctor Lushington stated, that the plan referred to by the witness had been drawn by the witness before he came into the house; but wishing that the witness should not appear to do it under the dictation of any person, but from his own recollection, he had not produced that plan.

The counsel were informed, that if the witness would swear it was a true plan, it might be put in.

A plan was shewn to the witness, and he was asked,

Is that plan made by yourself? It is.

Is it correct? It is not exact in the measure, but it is a representation of the grotto as it is, except the dimensions.

Is it, as far as you can recollect, a correct plan of the rooms? It is.

The plan was delivered in.

Can you say, whether a person placed behind that pilaster could see the figures of Adam and Eve? I believe not, because the pilaster is out of the room, and the statues of Adam and Eve are the opposite side, and the room being round, a person cannot see them.

The witness was directed to mark upon the plan where the pilaster was, which he did.

Was the passage, which you have here described, leading to the rotunda, connected with the rooms in which the persons were working on the cornices, or were those rooms on the other side of the building? People might go inside as well as outside.

Was the passage which you have here described leading to the rotunda, connected with the rooms in which the persons were working on the cornices, or were those rooms on the other side of the building? For the convenience of carrying in materials, they went outside, because the doors were too narrow to pass.

Where were they working on the cornice? They were working on the cornice in No. 11. and No. 12.

Had those statues of Adam and Eve any fig leaves round them? It represented a vine leaf, which was made of tin, and was painted green.

Were they hung upon a wire? A brass wire.

Was the vine leaf moveable by this wire? It was.

Had both those statues vine leaves? Both.

When they were moved into this Mosaic room, did those vine leaves remain on the figures? They remained, and are still there.

Did you make the plan you made just before you came into this house entirely from memory? I did.

Guiseppe Giarolini was examined by Mr. Williams.

From what place do you come? I came from Milan.

What business do you follow? A master mason.

Have you ever been employed by the princess of Wales on the Villa d'Este? I have.

Do you know a person of the name of Raggazoni? I do.

Was he a master workman or a common workman? A daily workman.

Had he any men under his employ at the Villa d'Este? No, I have given a piece of work to seven or eight companions, and they came altogether to be paid for their work.

Do you know the grotto at the Villa d'Este? I do.

Do you remember at any time any work being done upon that grotto? I do.

Was that the work to which you allude, when you say you let out some work to Raggazoni and some others? They worked by the day, and not by piece; it was another time that I gave them this work.

Do you remember any cornice work being done in any part of the grotto? I do.

Do you remember there being any statues of Adam and Eve in any part of that grotto? I do recollect.

Was there any cornice work done in the room where the statues of Adam and Eve were? No, nothing at all.

Was there any cornice work done in any other part of the grotto, according to your memory? At the top, where there was an octangular room, there was another room, which I had built myself, and they worked in no other room but that.

Were they at work upon the cornice in that room? Upon the cornice.

That is the work of which you spoke? It is.

Had they scaffolding up for the purpose? They had to reach the ceiling.

Has there been any scaffolding put up in any other room or part of the grotto but that? In no other but those two rooms, the octangular room and the square room.

Did the square room join to the octangular room? Yes.

Was the square room or the octangular room nearer to the statues? The octangular room.

From the place where the scaffold was set up in order to work at the cornice, could any person see the statues of Adam and Eve? In no way could those statues be seen, because the passage is all winding.

Do you mean the passage from the square and octangular rooms towards the room in which the statues stood? First coming from the octangular room, there comes another room, and then another passage, and then another room where the statues were.

Was the passage you have just described the winding passage to which you alluded before? Yes, winding; and there are steps.

Do you know a person of the name of Rastelli? I do.

Do you remember to have seen that Rastelli before you left Milan? Before he was away from Milan, when I came.

Do you remember to have seen him at Milan before you came over to England? Long before; much time before; we have been together, and I have seen him.

Adjourned.

THIRTY-FIRST DAY, FRIDAY, OCT. 13.

Counsel being called in,

Giuseppe Giarolini was further examined by Mr. Williams.

You said yesterday you were employed as a builder at the Villa d'Este? Yes, head master.

Were you paid as you went along, or was there a bill run up? Before her royal highness set out for the long journey, I was paid regularly every week; after her departure, we entered into contract of 75,000 livres; I continued to work under the direction of Ratti, who was the architect, who made me build several other things, more work, this made the sum amount to 145,500 livres.

Did you see Rastelli when that sum of money was owing to you? Yes.

Do you remember any mention being made by Rastelli to you of that bill, or payment of it? He asked me what was my credit against her royal highness, and I answered that, deducting that which I had received, it amounted to 45,500 livres.

Was any thing said about the manner of getting that bill paid? There was.

Did Rastelli offer you any money? He told me, if my account was not liquidated to send it to him, and he would contrive to see me paid.

What did Rastelli say you were to do for that? He told me to give my account to him, for there were Englishmen at Milan, and he would see me paid.

Did Rastelli say to you at that time, what you were to do in order to get that bill paid? He told me that if I had anything to say against her royal highness (for I had been a long time in her service) to tell it to him, and he would endeavour to make me be paid.

At the same time which is now spoken of, or at any other, had you any further conversation with Rastelli, about what Rastelli was doing as to witnesses? The first time I had conversed with him I was coming from the states of the pope, and I had a conversation with him in an inn, and afterwards I had conversation with him in other places; but we talked a little on that subject, and then we talked upon other discourses; and another day we were coming out from the custom-house of Porta Tosa, and I was going out of the ramparts in the street of Circolazione of Milan, and we were then talking about witnesses; he told me that he had gone into my country about witnesses, and then, when he was in my country, he went to ask for one witness, and that witness went to ask another, that other went to ask another, then they had drank together; and he has asked them whether they were willing to depose against her royal highness, and then he asked them, will you come to Milan with me; then they breakfasted at the Tredate coming from Cazzone, from Tredate he went to Musoc, there they dined; when they arrived at Milan they went altogether to the inn of St. Clement; when they were at the inn of St. Clement, Rastelli told the innkeeper to give them every thing they wanted for their victuals; then afterwards, one after another, he took them before Vimercati, and the other English that were there.

On any of those occasions did Rastelli say, that he had paid money to any of those witnesses?

Mr. Solicitor-General objected to the form of the question. The counsel were informed, that they might ask whether Rastelli said anything about paying money.

Did Rastelli say anything about his having paid money? He told me he had kept them seven days at the inn, and paid forty franks; that he had paid them forty franks each.

Was anything said about their expenses besides? He told me that he had given to all those people that he had brought fr m my country forty franks, but that to Raggazoni he gave fifty franks, and that he gave fifty franks to Brusa.

Name any more if you can? He gave forty franks to Paulo Raggazoni, forty franks to Bai Rossi.

Any thing else? I think Franco Bai, but I am not sure, because he mentioned them altogether; but he mentioned them with his own mouth; Ambrogio Bianchini, of Leghorn, has also had money.

Mention whether, at the time when money was mentioned, anything was said of their expenses, as contra-distinguished from money given to them? Not for the expenses; but he told me that when he went to my country he employed a chaise, and paid for the posting.

Did he say who paid the expenses of these people at the inn? There were many, all coming from my country, and they were all of them at at the inn where they were.

Did Rastelli say who paid the expenses at the inn? He said that he paid them in the day the forty franks, and that Rastelli paid the innkeeper, because the witnesses got the forty franks clear.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

Where did those persons come from to Milan? They came from Cazzone, my country, and he took them to Milan.

How many miles, altogether, did they travel? Some twenty-eight miles, some thirty miles.

Do you mean that it was twenty-eight or thirty miles to go to Milan? I do.

You have said something about Raggazoni, where did Raggazoni go from? Rastelli came from my country, and went to an inn, and then he sent Brusa to fetch Raggazoni from Binago, which is four miles from Cazzone.

When you say it is four miles from Cazzone, do you mean that it is four miles further from Milan than Cazzone? Nearer.

Did he go to Cazzone, in order that they might all go together from Cazzone to Milan? He came with Brusa to Cazzone; they went to an inn, drank together, and next morning they set out all together.

Did Brusa live at Cazzone, or did he live further? At Cazzone.

The witness answered the last question while it was being interpreted.

Have you learned English since yesterday? No; but he spoke very clear; he spoke very clear, he said Brusa era Cazzone.

Do you understand a little English? Nothing; but it was clear he said where was Brusa, Cazzone, Brusa was at Cazzone.

Brusa, in point of fact, was sent to bring Raggazoni there? He was; Rastelli sent him to fetch him.

Do you know how long they were going from Cazzone to Milan? A day.

And, of course, also a day to return? As to returning, they went as they liked, for they had drink, and it was during the winter, and they might have been a day, or a day and a half.

With respect to the grotto, of which you made mention yesterday, how far is it from one extremity to the other; is it more than forty or fifty feet? I do not remember that; I have been in it every day, but I have not paid attention to the number of feet.

Do you believe that it was about forty or fifty feet, according to the best of your recollection? More than fifty; but I can give the measure in Bracchi.

The interpreter stated that the witness did not understand distinctly the word used for feet.

Will you swear that it was more than twelve or fifteen bracchi? I will not swear, because I have not measured it; I must swear what I have measured.

Will you swear that, according to the best of your recollection, it was not more than twelve or fifteen bracchi? It is longer in the straight line than from the folding-door to the throne.

What have you been paid for coming here? Why, I have not received, but I have made my calculations about my business, and about the time I have lost with the engineer Ratti and another gentleman, a doctor or advocate, whom General Pino had sent to make this writing, because my family and my children would not let me go. At Michaelmas time at Milan people change their houses, and there is much to do for people of my business, and in going away I was obliged to put another man to go on with my business; another man I have sent into the country to attend to my workmen, because my son I could not send because he attends the business at home, and pays the men; and at last I cannot undertake any business, because I do not know the time, though they have told me that it will be for about two months; and whenever I cannot take work at this time, I must go without work the whole of this year; this they have calculated, and agreed to give me 2,100 franks.

Besides that, are your expenses paid? They are.

What is the name of the advocate with whom you made this agreement? He has been dictating it, together with Ratti.

What is the name of the advocate? I have told you I have not asked for his name.

Does he live at Milan? He lives at Milan.

Is his name Codazzi? No, the writing has been looked over by this English gentleman, and it was on the following day he asked me whether the writing had been made, and I told him yes.

Was Vassali present at the time? He was not.

Have you met Vassali upon this business? At Milan, yes, after the writing had been made.

Did you never see him before this writing was made, upon the subject of this business? He never meddled himself in this affair.

Where was it you met General Pino? General Pino was at his house, for I worked for him as the head mason.

Did you see General Pino upon the subject of this business before you signed that agreement? I have not seen General Pino, either before or after; Ratti was coming down the stairs from General Pino, for he had been with him above; and Ratti told me that he had said to the general, that if I was willing to go, he would take care to make me indemnification for my loss.

Was this agreement, of which you have spoken, made with General Pino, did General Pino undertake to pay? I had not even seen General Pino, he (Ratti) was coming down from the stairs of General Pino.

Who is it that is to pay you this money you have stipulated? Vassali.

At the time you made this agreement, and when you met Vassali, were there other witnesses there, making agreements? No, Vassa was even not present when I was making the writing; he has not the slightest concern in it, except to see that I shall be paid.

You were just asked, who was it that was to pay you? you said Vassali; is that so? Vassali is to pay me.

You have spoken of a sum of money that was due to you from her royal highness the princess of Wales; has that money been paid? She has paid me entirely.

When was that paid? I had been partly paid at the end of January, part in March or April of the year 1819.

You have spoken of some conversation you had with Rastelli, and some meetings with witnesses; was that money paid to you by her royal highness after those meetings? When I spoke to Rastelli about this business, I had not been paid by her royal highness.

How long was it after that that you were paid? When Rastelli began to talk to me about this business, I told him I had already received part of the money; I had received the money which was paid in January, and then I answered Rastelli, that in a short time I hoped to be paid entirely.

How soon after that was it that the money was paid to you by her royal highness? This is a little confusion; I have talked of the month of March, when a part of my account was still due.

How long is it since the last payment was made by her royal highness to you? The end of April, or the beginning of May.

In this present year? In the year 1819.

Will you swear, that besides the agreement to which you have spoken, by which you are to receive 2,100 franks, you have not entered into an engagement with any other person or persons to receive any other sum of money? Another sum to receive of five or six franks per day for the family which is at home, but I have made no writing, this agreement has been made by my son; but there is no writing.

With whom was this agreement made, between your son and whom? With the same architect, Ratti.

Is Vassali also to pay that? I do not know whether he has received them; he is to receive them from Ratti; but I do not know whether he has received them.

Besides the agreement, by which you are to have your expenses paid, and the 2,100 franks, and this payment to your son, will you swear there has no promise of any other payment been made, either to yourself or to any member of your family, or any expectation held out? I hope that my time may be considered during the time I am here?

Are you understood rightly, that your son is to be paid five or six franks a day, that you are to receive 2,100 franks, and that your time is also to be paid during your absence? For the loss of my time; for the 2,100 franks are for the loss I may sustain for the time to come.

Are you to be paid daily for the loss of your time? As they have

told me, that in a month and a half I may return to my country, I have asked a golden Napoleon a day.

(*Mr. Cohen, whilst the answer was being interpreted.*)—He has added, 'They did not offer it to me.'

Though you have not been promised this Napoleon a day, do you not expect to receive it? If they give it me, I do not refuse it; if they do not give it to me, I do not claim it; but if it is a long time, they cannot refuse it.

Besides these various promises and expectations you have spoken to, has there been any other promise made either to yourself or to any other member of your family, of any reward or payment during your absence? Nothing.

You have spoken of a person of the name of Ratti, is he not by profession an architect? Yes, but he is acquainted with my family, and with my business; nay, this architect is obliged out of the sum that they have fixed for the loss I may sustain, to teach his profession to my son; observe, that in regard of this golden Napoleon, I have been obliged to put another person at Milan, and another into the country, for my son cannot attend them, as I have said before.

Besides the sum you are to receive, has Ratti undertaken to instruct your son? No, he does it as a kindness to my family, because my son is a young man, and he teaches him his business.

Is Ratti to be paid any thing for this? I must recompense him some way or other, for the time he loses; for whenever a person loses his time, in some way or other he must be indemnified.

Have you made any promise to do it? But according to the visits he will pay to the buildings, he will be paid.

Have you made any promise to pay Ratti? I have not made any promise, he is not a common man that requires a promise to be made.

Is he not architect to General Pino, and was he not architect also to her royal highness? He was the architect of her royal highness, and is the architect of General Pino.

Are you to receive any other benefit or advantage by coming here? The advantage to send me to my country, that is all.

Do not you know that Ratti has been employed to take plans of the Villa d'Este, for the purpose of this proceeding? One day we went together, to take the plan of the house; there was the old house, and the new house.

Was not a plan also taken of the Villa Villani? I know not.

Do you know of any other plan being taken by Ratti, for the purpose of this business, except the plan of the Villa d'Este? Only a part of the Villa d'Este, not the whole.

Do you know of a plan of any other building being taken by Ratti, for the purpose of this business, except that plan of a part of the Villa d'Este, of which you have made mention? I know nothing, I have seen nothing.

In that room where the two figures of Adam and Eve were placed, were there not two doors? To come in and to go out.

What was the size of that room across, as nearly as you can recollect; how many bracchi the diameter? The diameter would be from the outside of the bar before me to the third bench, more or less; I do not know exactly for I never measured it.

RE-EXAMINED BY MR. WILLIAMS.

How many men had you in your employment when you agreed to come to this country? Thirty bricklayers, and thirty-four or thirty-five helpers; now, perhaps, I may have more.

What was the name of the English gentleman you alluded to, when you were talking about coming over as a witness? I do not know the name; I do not recollect the name; a tall man, red, but I do not know his name.

Was it Mr. Henry? Yes.

When you were talking about coming over here, was any mention made of your expenses—what you were to be allowed? No, nothing; I have been speaking with the architect on this affair, but not with him.

Is the sum you have mentioned, or rather are the sums you have mentioned, what Ratti fixed when you spoke with him (Ratti)? Yes, because I asked his opinion, and I told him all my difficulties; because the Englishman wanted to know exactly, being a man of conscience, and desired I would make an estimate, and I told him so.

Did you tell the English gentleman of conscience the sum Ratti had fixed? Yes, he asked me; he made a writing, and I told him so.

Who told you that Vassali was to pay you? The architect Ratti.

You have been asked about there being two doors to that room in which the statues were; was there any cornice to that room to which any work was done at any time? During the time I was in the service of her royal highness I never sent any body to work in that place.

Mr. Solicitor-General requested to ask a question of the interpreter, whether pilaster meant a flat column with a capital and a base.

(*Interpreter.*)—Pilaster in Italian signifies any building, any support, which is not a column; so, if I place in the middle of this house a pile of bricks and mortar to support the cieling, I call that a pilaster in Italian, of any shape and dimensions, provided it be not a column.

EXAMINED BY THE LORDS.

Lord Ellenborough.—Do you recollect any pilaster near the door in the room in which the statues of Adam and Eve were? Yes, there are some steps; there is a column; there is a pilaster, one after the other.

Near which of the two doors of the room was that pilaster? At the door of entrance.

Which entrance? The entrance when you go up you find the room with the pilaster.

Then it was not by the entrance from the garden, but by the entrance from the rest of the grotto?

The witness pointed it out with his finger.

(*Interpreter.*)—He seems to point out with his finger the room, and then the pilaster and the column, and so you may go into the grotto.

The witness made a drawing, which was delivered in.

Lord Ellenborough.—Is this entrance marked 1. the entrance from the garden or from the grotto? There is no garden, No. 1. is the entrance to the grotto.

From whence? From the hill from the outside, from the road.

When did you hold the conversation, of which you have spoken, with

Rastelli, respecting the sum due to you from the princess? In the month of June or July or August, in my house, for he was always coming, and we went out together.

In what year? Last year, 1819.

Did not you, in a former answer, say that the last payment of the sum due to you from the princess was made in March 1819? Yes; for when that conversation took place there was still some due to me, and then afterwards came the conversation about the men.

Then the last payment was not made in April or May 1819? Yes.

Was it, or was it not? It was.

Then when you had this conversation with Rastelli in the month of June 1819, of what sum due to you from the princess did you speak? Then I advanced a little; but we were discoursing of something else then; we were talking about men, not about that business.

Do you mean to say, that between the month of April or May, 1819, and the month of June, another debt was incurred by the Princess of Wales to you? No.

At the time of this conversation with Rastelli, did the Princess of Wales owe you any thing? Before, as I have said in the month of April and May, she was in my debt, but then when I had with him the conversation about men, and what you do, and what you do not, then nothing was due to me.

When did you hold that conversation with Rastelli respecting the 45,500 franks due to you? I have spoken when I came to Milan in March, or the end of February, 1819.

Are you to be understood that the last payment of the debt of 45,500 franks to you due from the princess, was made very soon after this conversation with Rastelli; in the same month? Before, for a conversation with Rastelli I always have had; but the conversation which I had was before the payment.

How long before? When they had paid me, and I had a conversation with him, then I told him I had been paid in March.

How long before the last payment of that sum was the conversation with Rastelli? I have told, and I repeat it again, in March.

Are you to be understood, that the conversation with Rastelli, and the last payment of that sum, took place in the month of March? The payment was made in May, but my conversation took place in March.

At what period in the month of March? I do not know, it was on the day that I came to Milan, when on account of the requisition I went there to free my son from it.

Was it about the beginning, the middle, or the latter end of March? In the month of March, I do not remember the day.

At what period of the month of May was the last payment? About the beginning I think.

Did you, after the conversation you held with Rastelli, make any immediate application for payment? Not from her, but I came back, I went to Pesaro besides.

How soon after the conversation with Rastelli, did you make any application? I have said that I saw him at Milan, where I was four days; then when I returned home, I went to her royal highness at Pesaro, and asked for the money, and she paid me; and then I returned to Milan.

Did you ever mention to any one the conversation you had with Rastelli? No, because I went away.

When did you first mention it to any one? When I have been asked, I mentioned it.

Did you ever mention that conversation to her royal highness, or any person in her royal highness's suite? After I got my money, I could never speak with any body of her royal highness's court.

Did you ever mention that conversation to her royal highness or any person in her royal highness's suite? No, because I have told you I went to get my money, and she was at Pesaro; and when I had my money, I returned to Milan.

Did you, before you got your money, mention that conversation to any one at Pesaro? It was not business to be told to any body, I have told nothing to any body.

Earl Delawarr.—Could a person standing near or behind the pilaster in the grotto, see the statues of Adam and Eve? It appears to me impossible, but I have made not the observation, but as the room is round, and the statues are by the side, I should think that a person behind the pilaster cannot see them.

Earl Grosvenor.—Have you, since you have been in this country, seen any plan of the grotto? I have it in my own mind, because even before I went to the princess I always went to the grotto.

Was the passage that you speak of, leading to the grotto, a winding passage or a straight passage? If a person goes straight forward, he goes straight forward and breaks his neck.

Was that passage winding or straight? It is not winding, the walls are undulating, but the passage is straight.

Lord De Dunstanville.—You have said that Rastelli told you certain witnesses were paid some forty and some fifty franks apiece, and that they continued at Milan for seven days, were those sums paid for the whole time they were at Milan, or was it a daily payment? Once only.

Earl of Lauderdale.—What was the amount of the last payment you received from her royal highness the Princess of Wales? The half, with the interest, which she paid me.

The half of what? The half of 45,500 franks, with the interest besides.

When had you received the other half? The first half was received in my name by Mr. Lodi in the latter end of January, or the beginning of February, because I was out.

What was the largest sum that the Princess of Wales ever owed you? The last, because it carried the interest.

What was the largest sum that the Princess of Wales ever owed you? The sum was 45,500 franks, but when they paid me with the interest it came to 49,000.

Have you not stated, that the princess once owed you 145,500? From my account, which had been inspected by the architects Pestagalli and Ratti, I was then creditor 145,000 franks, but the 100,000 franks I had received.

When you had received that 100,000 franks, was there any objection made to the charge, and assigned as a reason for keeping back the 45,000? I was in the habit of receiving money every month; every month, every six weeks; and I went to Marietti, and Marietti gave me money; I have received it so many times.

The following extract from the former evidence of the witness was read to him:

"The first time that I had conversation with him, I was coming from the states of the pope, and I had a conversation with him in an inn; and afterwards I had conversation with him in other places; but we talked a little upon this subject, and then we turned upon other discourses; and another day we were coming out from the custom-house

of Porta Tosa, and I was going out of the ramparts in the street of Circolazione of Milan, and we were then talking about witnesses; he told me that he had gone into my country about witnesses, and then, when he was in my country, he went to ask for one witness, and that witness went to ask another, and that other went to ask another; then they had drank together; and he has asked them, whether they were willing to depose against her royal highness; and then he asked them, will you come to Milan with me?"

Did Rastelli tell you, that having got one witness, he, Rastelli, went to get another, or that that witness went to get another? Rastelli said to the innkeeper to send for such a man, and the innkeeper sent for such a man; after this man came, who was Brusa, Rastelli told Brusa, "Go and fetch such a man, and such a man, and such a man."

Have you often been at the Villa d'Este? Before, I was always at the Villa d'Este, because I was in the house of General Pino, who was the master of the Villa d'Este; after her royal highness acquired the Villa d'Este, I went there, and remained in the house.

Do you remember any of the paintings on the ceilings in the rooms of the Villa d'Este? Her royal highness had made some ceilings be made; she ordered one to be painted; others had been painted.

Can you state what that painting was? The ceiling was made of small pannels, and in the middle there were some flowers, some medallions, some one thing, some another.

Was there no figure painted on that ceiling? Simply this size (about four inches), because the ceiling was small, made in chiaroscuro.

The following questions were put, at the request of Mr. Williams:

Was the pilaster of which you spoke, on that side on which the men were at work on the cornice, or on the opposite side of the room? The opposite side.

When you spoke of the persons employed by you, did you confine your answer to the workmen employed at Milan, or had you any others under your control, besides those? Some are in the town, some go out, some go here, some go there, some must work, and some must direct.

How many had you under you, when you were at work at the Villa d'Este? Before the long journey, there were forty or thirty-five bricklayers, besides the helpers; after the long journey, and after I had made the agreement and the contract for the other building, after I had given the estimate, that the whole was to be done in six months, I had under me two hundred and three hundred.

The witness was directed to withdraw.

The Attorney-General of the Queen desired to know whether Rastelli was forthcoming.

Mr. Attorney-General desired to know, whether the counsel of her majesty wished to examine him as a witness.

The Attorney-General of the Queen stated, that he did wish to call Rastelli; but that he was not in his corporal possession.

Mr. Attorney-General submitted, that if the Attorney-General of the Queen wished to call Rastelli as a witness, he must take the usual steps.

The counsel in support of the bill were asked whether Rastelli was in this country.

Mr. Attorney-General stated that Rastelli had been sent with despatches to Milan without his knowledge; that on learning that fact, he had directed his immediate return, and that he had reason to expect he would shortly return; but that Rastelli had not been permitted to leave the country until the counsel for her majesty had declined any further cross-examination of the witnesses who had been called.

The Attorney-General of the Queen submitted, that Rastelli ought not to have been permitted to leave the country; the nature of his cross-examination being such as to lead to an expectation that he would be contradicted.

Mr. Attorney-General stated, that if Rastelli's evidence was to be contradicted, his absence did not prevent it; and that Rastelli having conducted the witnesses to this country, it was felt important, in consequence of reports having reached the friends of those witnesses of the events at Dover, that he should return with letters from those witnesses, to assure their friends of their safety, which was one reason why he was permitted to go.

The Attorney-General of the Queen begged to suggest, that if witnesses were allowed to leave the country, there was an end of the security given, that they should be subject to prosecution in case of their being found to have committed perjury.

Lord Holland strongly animadverted on the sending away of this witness, as soon as it was found that his testimony was to be impeached; and expressed his conviction, that, if their lordships allowed themselves to be thus dragged through the mire, they would place the institutions of the country in the utmost jeopardy and danger. He considered a *prima facie* case made out of the existence of a conspiracy to pervert justice; and thought their lordships would do well to get rid of the disgust and fatigue of this infamous proceeding.

The Earl of Liverpool admitted that the sending away of Rastelli was highly culpable. He assured the house it was unknown to the Attorney and Solicitor-General, as well as to himself. He attributed good motives to those who had removed this witness; and denied the existence of a conspiracy.

The Marquis of Lansdown asked whether it was fitting that they should visit the Queen with the effects of that villainy and wickedness which the persons who employed such agents were now obliged to disavow? He considered it of the very greatest importance, as they had found in the cases of Majocchi and Carrington, that their lordships should always have it in their power to recall their witnesses to the bar, and that they should enforce their own rule to that effect. He ridi-

culed the motives assigned by the Attorney-General for the abstraction of Rastelli: and concluded by observing, that it was incumbent on their lordships to do all they could to repair the error they had committed.

The Lord Chancellor professed his own ignorance of the sending of Rastelli out of the country; confessed that it was a most ill-timed and ill-judged proceeding; but considered it not an error of intention, but of judgment. He thought the circumstances required that considerable allowance ought to be made in favour of her majesty. He said it was beyond their power to repair the injury they had done her majesty. Should they be doing her justice by closing the case in its present stage? He contended not, and that the proceedings ought to go on.

The Earl of Carnarvon fully agreed with the learned lord that there was nothing which they could do that would repair the injuries they had done to her majesty in the course of this investigation. Here he called upon them to stop. He depicted, in energetic language, that, by these proceedings, they were rendering themselves objects of execration to every Englishman, and of contempt to all the rest of Europe. The case, if indeed it could be farther disgraced, or rendered more odious, was, by this last circumstance, reduced to the lowest pitch of infamy. He concluded an able and feeling speech by moving, "That this bill be read a second time this day six months."

The Lord Chancellor, in explanation, denied that he had admitted that substantial justice could not be done to her majesty by the house.

Lord Ellenborough, for the cause of truth and justice, entreated their lordships to hear the whole of the case.

The Earl of Darnley was of opinion, that, before they came to any vote on the proposition of his noble friend (the Earl of Carnarvon), her Majesty's counsel ought to be asked whether the absence of Rastelli would be injurious to their client's case.

Earl Grey observed, that, when a suspicion was raised, that, if the witness who had quitted this country were examined before any information relative to what had just occurred could be afforded to him, it would render the defence of her majesty complete and triumphant over the worst conspiracy that ever was formed to ruin the character and destroy the honour of an individual; and if the circumstance of the delay rendered it impossible, as it did according to the admission of the noble and learned lord, that the examination could be pursued effectually and satisfactorily hereafter,—then, he must

contend that the house was placed in a situation in which substantial justice could not be done; and if his noble friend persevered in his motion, it must undoubtedly receive his (Earl Grey's) assent. In speaking of the fact itself, he would not say that it was ill-judged, but that it was most iniquitous. He feelingly and eloquently reprobated the whole of the proceedings.

The Earl of Liverpool contended that substantial justice could be done. He allowed that the sending away of Rastelli would have been a flagitious act, if the object had been to withdraw the witness from justice; but he was most conscientiously convinced that the gentleman who had been the occasion of it had had no such intention, but had felt convinced that the man would have returned before the house arrived at the present stage of the proceeding. (Name, name).

The Earl of Lauderdale argued at some length against the notion that substantial justice could not be done to her majesty, because Rastelli had been withdrawn. He strenuously contended for the propriety of continuing the proceedings, and denied the existence of a conspiracy.

The Earl of Morley entreated the noble mover of the question before the house not to press it to a vote in the present unprepared state of the house.

[Here the Earl of Lauderdale took his seat by the Earl of Liverpool, and conferred with him for some minutes, which appeared to occasion some observation below the bar.]

Lord Alvanley wished to learn who was the individual that had sent Rastelli to Milan, and whether he was one of the Milan commissioners.

The Earl of Liverpool said that it was Mr. Powell.

The Earl of Carnarvon (after the confusion had in some degree subsided) said that he wished the following question to be submitted to the counsel for the queen: Whether the immediate attendance and examination of Rastelli were material to their case? After hearing the opinions of the learned gentlemen upon this point, he should perhaps be better enabled to judge what step ought next to be taken. Though nothing, not even the speeches of counsel, could alter his opinion, that, for the sake of the country, and for the sake of the house, it ought not proceed farther in this inquiry; yet, in deference to the opinions expressed by noble lords of more experience than himself, he should not press the motion he had offered to a division.

The Earl of Blessington made an eulogium on Mr. Powell.

Lord Holland observed, that when the noble earl opposite (Liverpool) gave the pledge that no witnesses should leave the

country, he ought fairly to have avowed that he had no power to retain them, that they might, if necessary, be subjected to to trials for perjury. If the motion had been persisted in, he would have given his vote in its favour. To have thus terminated the proceedings would be like non-suiting a prosecutor for want of evidence. He ridiculed appeals to character, in respect to persons committing acts which are in themselves iniquitous, and an impeding of justice. He did not stand up for mercy to the queen, but to the court itself. The course of justice had been perverted, and it was much better to stop altogether, than to persevere in a road which could lead to no satisfactory termination.

Lord Erskine said, that, as the motion to put an end to the whole proceeding had been withdrawn, he should now move that the question suggested be put, and that the house should then adjourn, thereby giving the counsel an opportunity for consideration.

Earl Grey observed, that, as Mr. Powell's name had been mentioned, he ought to be called to the bar to account for his conduct.

The Lord Chancellor remarked, that, as it was now half-past four, it might be better if Mr. Powell were required to attend to-morrow. The house, however, manifesting a decided wish that Mr. Powell should be immediately examined,

John Allan Powell, Esq. was called in, and having been sworn, was examined by the lords as follows:

Earl Grey.—Were you employed under the commission of Milan? I was.

Are you at present the agent in support of this bill? I am assisting the agents in support of the bill.

Were you present in this court at the examination of Rastelli? I was.

State then why you sent Rastelli on a mission out of this country? I recommended that Rastelli should be sent.

To whom did you recommend that? I recommended it at the Foreign-office.

Was it at the Foreign-office you applied to have Rastelli sent on this foreign mission? As a courier.

Did you get passports for that purpose at the Foreign-office? I did not.

Can you state who did? I did not.

But you applied at the Foreign-office; you recommended he should be sent on this mission? If your lordships will allow me, I will give the explanation: Rastelli had been the courier who had conducted a great number of witnesses to Dover; those witnesses had been maltreated by the populace at Dover; they were afterwards sent into Holland.

Do you speak to your own knowledge when you say they had been ill-treated at Dover? I speak from the information of Rastelli. I

am stating the motives that induced me to make that recommendation I learned that various reports were propagated in Italy of the dangers which the witnesses for the bill ran, by coming over to this country. I had heard that reports were propagated in Italy that they had received great personal injuries. I had heard that the families of those persons who were here were exceedingly anxious upon the subject of their relations who were in this country. I had understood Rastelli to be acquainted with the greater part of the families of those persons, and I considered that it would be an act of humanity to those relations and friends, that some person who had seen the whole of those witnesses in this country, and who was acquainted with those families, should go over there with letters from the witnesses, and having himself been an eye-witness of their safety here, that he should report to those families what their situation really was, and by that means that he should put an end to the great anxiety which I thought those families must necessarily feel for their friends.

Admitting this to have been your motive, did you not know that by sending Rastelli out of the country it would be impossible to examine him here upon the subject of his evidence, if a necessity should arise for that? At the time that Rastelli was sent away, which I think was the Thursday or Friday after the adjournment of the house, I conceived that there would have been ample time afforded before any such necessity could arise: my instructions to Rastelli were specific, as far as I recollect, that he was to return here on or before the 3d of October; and at the time that Rastelli went, I had a firm conviction in my own mind that he would so return.

Whom did you see at the Foreign-office when you made the representation you have stated? It was either Mr. Planta or Lord Clanwilliam, I am not certain which, to whom I think I stated that Rastelli was to be sent as a courier to Italy.

Did you state to the persons at the Foreign-office, whoever they might be, that Rastelli had been examined as a witness at this bar? I do not recollect to have made such statement.

Did you state who he was? I believe it was perfectly known who he was.

Have you had any communication which enables you to state, whether it is probable that Rastelli will soon be again in England? I have every reason to believe that he will be soon in England, because the most positive directions have been sent, that he should be sent over; that every means should be used to make him come over here.

When were those directions sent? They have been sent two or three times; the last directions were sent on Saturday or Sunday, the most positive directions.

Has any answer been received to the first directions? I have learned that Rastelli had for some days been violently ill, and confined to his bed with a fever, having been blooded and attended by some medical person.

Another Peer.—Did you ever receive any directions from his majesty's government not to allow any of the witnesses, as far as you could prevent it, going out of this country, or any instructions to that effect? I do not recollect any specific instructions to have been given to me to that effect; but at the time I sent Rastelli, I had not the least idea that he would be called upon again as a witness, or that he would be wanted as a witness, until, if this bill should have passed this house, it should have gone to the House of Commons.

Is it to be understood, that no such instructions were given by the

T. Wright sculp.

JOHN ALLAN POWELL, ESQ^R

Sketched by A. Wivell in the House of Lords

London, Published by T. Kelly, 17, Paternoster Row, Nov. 11 1820.

government of this country to you. To me personally, I do not recollect any specific instructions having been given upon this subject; but I certainly was present at the debate in this house, in which the noble earl at the head of the government had stated it to be the intention of the government to take every care they could, that the witnesses should not go away.

Knowing that, did you not consider it at least an act of disobedience to those instructions, allowing or recommending this person to be sent abroad as a courier? I did not consider it an act of disobedience; I did not give it that consideration at all; I had a full expectation that the man would return; I never would have sent him if I had not had the fullest conviction on my own mind that the man would be here on or before the 3d of October.

Was there any intention, when he went with those letters, of his bringing back other witnesses to rebut those for the queen? None whatever.

Lord Alvanley.—Could not the families of the persons who are supposed to have been maltreated at Dover have applied at Milan to Colonel Browne for intelligence upon the subject of the witnesses? They certainly could have applied to Colonel Browne for intelligence, and many of them did, as I understand, apply to Colonel Browne; he gave them the best assurances he could, but they were not satisfied with those assurances; the reports of maltreatment came from various quarters. I have received depositions of the relations of persons here, in which they depose to have heard of serious injuries received by their relations, and notwithstanding all the assurances which they received to the contrary from Colonel Browne, they were not satisfied with those assurances.

In the event of Rastelli's wishing to withdraw himself from judgment, have you, or do you conceive you have any means of compelling him to appear? Individually I can have no means of compelling him to appear; but I certainly conceive that, from the instructions which have been sent out, means will be taken with the government of the country in which he is, to compel him to appear, if he should be able to come, and should refuse to come.

Have any of the other witnesses been sent out of the country? Not to my knowledge, one.

Lord Erskine moved that the question of the Earl of Carnarvon be put to the counsel for her majesty.

The Lord Chancellor hoped that the house would not so suddenly call upon him to give his opinion, whether a question so material were fit or unfit, in its present shape, to be put to counsel. It was this, 'Whether the counsel for the queen think it material to the case of her majesty, that Rastelli should be immediately called and examined?' His lordship doubted whether this question could be put as at present worded; at all events it seemed to him, that, if put, it ought to be followed up by requiring the counsel for the queen to state the grounds of their opinion. He should therefore move that the house do now adjourn.

Adjourned.

THIRTY-SECOND DAY,—SATURDAY, OCT. 14.

On the formation of the court, *John Allan Powell,* Esq. was further examined by the Lords.

You have stated, that Rastelli was sent to Milan on Thursday or Friday after the adjournment of the house, that was on the 14th or 15th of September? On the 14th or 15th of September. I left town early on the morning of the 15th, the Friday I believe, but I am not certain that Rastelli went the preceding evening, but I did not see him go.

Do you know whether Rastelli was directed to take despatches on his way to Sir Charles Stuart at Paris? I do not.

When you sent Rastelli abroad, in how many days did you calculate that he would probably arrive at Milan? I calculated that he might arrive at Milan in seven or eight days.

What time was it understood that Rastelli was to remain at Milan? I sent some papers by Rastelli to be further legalized, which had been sent over, as I conceived, not sufficiently so: those papers I thought might have been made use of upon the opening of this business again; consequently Rastelli was to have returned previous to the 3d of October, to have brought back those papers.

Was Rastelli instructed by you to go anywhere except to Milan? Nowhere except to Milan; he was to go direct there.

Do you know that at or near the same time any persons who had been sent over here, in order to give testimony in this cause, were sent back to Milan? I know that, previous to that time, a person who had been sent over here had been sent back, not any person who had been examined.

Are you to be understood that, previous to Rastelli's going to Italy, no person who had come here for the purpose of giving evidence or deposition had been sent back, or permitted to return to Italy, except the person you have already mentioned? To my own personal knowledge there has not been.

To the best of your knowledge and belief?

The witness was directed to withdraw.

The witness was again called in, and the question was proposed.

I have heard that two others have gone.

At the time you resolved to send Rastelli to Milan had you inquired whether it was probable that any witnesses would be soon permitted to depart? I had made no inquiry on the subject.

You stated that you had received letters stating that Rastelli was ill, from whom did you receive those letters? From Colonel Browne.

Have you got those letters? I have not them about me.

Have you had any communication from Rastelli himself since he left England? None, nor made any to him.

Is the house to collect from your evidence of yesterday, that you applied yourself to the Foreign-Office for a passport for Rastelli. I mentioned at the Foreign-Office that Rastelli was to go as a courier.

Antecedently to your application were you acquainted with the persons of Lord Clanwilliam and Mr. Planta? I was.

Do you consider that, as agent for this inquiry, the witnesses are all

under your direction and control? Certainly not under my direction and control.

Did you make the application to Rastelli to go as courier, or Rastelli to you? I; not Rastelli to me.

Solely for the express purpose of quieting the minds of those witnesses in Cotton-Garden? Of quieting the minds of the families and relatives of the witnesses in Cotton-Garden.

Solely for that purpose? Solely for that purpose, and of taking back those papers; I sent the papers with him as a courier.

If your sole object in sending Rastelli was to quiet the apprehension of the families of persons whom they might be anxious for, how came you to send by him the papers to legalize at Milan, the legalizing of which might create some delay, if he was to bring them back? I did not send the papers that he might legalize them; I sent papers by him to Milan to be legalized, that further proof might be had of them; and I expected that those papers would be legalized in sufficient time for Rastelli to bring them back here on or before the third of October.

Did you intend that the papers should not be left by him to be legalized in his absence, but that he was to wait to bring them back? I had no expectation of that sort; it would be left to the discretion of Colonel Browne to send those papers back by Rastelli or not.

State what families of witnesses now in Cotton-Garden you know to be resident at Milan? Rancatti, I think, and the Majocchi's, in the neighbourhood of Milan; I cannot carry in my mind the names of those witnesses; if I could see those names, probably I might be able to point out some others; it was intended not only to the families at Milan, but in the neighbourhood of Milan also.

Did you give any instruction to Rastelli to quit Milan, and go into the part of the neighbourhood or country adjacent to Milan, where those families resided, for the purpose of conveying those assurances? I do not remember that I gave any precise instructions upon that subject, but he was to take letters, and did take letters from the witnesses in Cotton-Garden to their families.

Then it was by means of those letters so conveyed from Cotton-Garden by Rastelli that you expected that the families you allude to would derive that assurance? By means of those letters and Rastelli's personal appearance at Milan, and probably the neighbourhood, that he would be sent from Milan to places in the neighbourhood.

Had you reason to expect that Rastelli, without any instructions from you, would go into the various countries adjacent to Milan, in which those families resided, for the purpose of conveying assurance to them by his personal appearance? I recollect having stated to Rastelli that he should take letters to the families of the different persons who were there, and that he should assure them of their being safe, and I concluded that Colonel Browne would send him to those different persons to give that assurance.

Would it have been possible for Rastelli to convey that assurance by carrying letters to those families in the different places where they resided, and by his personal appearance before them, without incurring a greater delay than that which you stated would belong to his mission? As I have already said, Rastelli left this country, I believe, either on the evening of the 14th or the morning of the 15th, I do not know which, not having seen him go: couriers have gone to Milan in six days and six nights; supposing him to have taken seven, it would have brought it to the 21st or 22d, leaving eleven days before the 3d of October; the distance he had to go into the country would have been either to Monza,

which is about ten miles, where one of the families lived, and Como, which is about five and twenty.

Do you know whether any letter was sent to Trieste? By Rastelli; I do not know what letters he took.

Can you state what number of letters were sent by him? I do not know.

Did you send any letter to Colonel Browne, by Rastelli on the subject of Rastelli's mission? I did.

Have you a copy of that letter? I have.

Can you produce it? I can produce it; it contains a great deal of matter relative to other subjects; whether in my situation I ought to produce it or not, I must leave to the house, whether confidential communications ought to be produced.

Can you produce that part of the letter which refers to the causes of Rastelli's being sent? It is altogether a confidential communication, which in my situation I must defer, and submit to the house whether I ought to produce it or not.

You are understood to state, you are in possession of a letter from Colonel Browne, giving an account of Rastelli's illness? I am.

Can you produce, if not the whole, that part of the letter which contains that communication? I consider all the communications made to me by Colonel Browne in this business as made to me confidentially, and as considering me one of the agents on this bill.

You therefore object? I therefore object to the production of any correspondence to Colonel Browne, or from him.

Or any part of that correspondence? If I object to the whole, I object to every part.

You also object to the production of the whole or any part of your letter to Colonel Browne on the subject of Rastelli's mission? I object, in the character in which I stand, to the production of any correspondence either to or from Colonel Browne.

You were understood to say, that you gave positive injunctions to Rastelli to return before the 3d of October? If I recollect right, I stated to Rastelli that he was to be back on or before the 3d of October, or as soon as he possibly could.

Did you state to him the reason for the necessity of his speedy return? I do not recollect that I stated any reason for his speedy return.

You were understood to state yesterday, you did not expect that Rastelli would be wanted before this business was proceeded on in the House of Commons? I did not expect he would be wanted as a witness until this proceeding would go on in the House of Commons.

On what account then did you give him so positive an injunction to be back by the third of October, or as soon as he possibly could? Because I expected him to return with the papers which I had sent, and which I conceived I might want to use upon the re-commencement of the proceedings on the third of October.

It was for that purpose, and not for the purpose of his being called in case of necessity, in consequence of any examinations that might arise in this house? The necessity of his being called as a witness in the proceedings in this house did not suggest itself to me; the counsel against the bill having stated, that they had no further questions to put to any of the witnesses in support of the bill, his being called upon by them as a witness in the course of their defence did not suggest itself to me.

You were aware, however, of the opinion of this house, that it was

necessary all the witnesses who have been examined here should be kept in a state to be produced, if necessary, in the course of the proceedings? I do not recollect that.

Were you not aware, that this house had expressly stated its opinion, that every witness examined in this cause should be kept in a state to be re-produced, if necessary, in the progress of this inquiry? I certainly understood that, during the inquiry in support of the bill, during the giving the evidence in support of the bill, the house would require it.

You were understood yesterday to state, that you had been present when the First Lord of the Treasury stated to the house an assurance that every witness, as far as it was possible for him to command it, should be forthcoming, to answer any questions that it might be necessary to put to him in the further progress of this inquiry? Certainly.

Then were you not aware of the necessity of Rastelli, as well as the other witnesses, being kept here for that purpose? I can only say, that it did not suggest itself to me at the time of Rastelli's going; if it had in any manner suggested itself to my mind, I should not have thought of sending him.

If any witnesses had been sent back previously, or at the time of Rastelli's going, might not they have effected all the purposes of assuring the families of those who remained here of their personal safety? I considered Rastelli the best person to send back for that purpose, because he had accompanied those witnseses who had been mal-treated; I believed him to be well acquainted with the families, and consequently that he was the best person to go back for that purpose.

You meant, then, that he should have a personal communication with the families of those witnesses? As far as was in his power, that was my intention.

You considered him as the best agent to have communication with the families of those persons? I thought him the best person to have communication with the families of those persons for that purpose.

The reason, then of your sending Rastelli back was, that he might have such communication with the families of those persons? The reason of my sending Rastelli back was, that he might take letters from the individuals here to their friends and families, and that he might personally communicate the situation in which those persons were here.

State from your knowledge, as an agent in this cause, of the witnesses who have been examined here, whether any one of their families is resident in Milan? Never having seen their families, or been in communication with their families, I cannot state from my own personal knowledge anything about it.

Those witnesses have all been examined here as to the places of their residence? I do not recollect the places of residence they have stated.

Do not you know that all, except Majocchi, have stated that their residence was at other places, and not at Milan? I do not know, because I do not know where they have stated their residences to be.

You meant that Rastelli should have communication with their families? I meant that Rastelli should have communication with all the families, as far as he could, in Milan and the immediate neighbourhood.

You have stated, that if a courier goes day and night, and uses

all possible expedition, he may go from hence to Milan in seven days, and return in as many? Six days and nights; I have heard of couriers going in even less time than that, in five days and six nights.

You seem to allow, upon the average, seven days as a quick expedition? Not as extraordinary expedition; I take it that a courier, using no extraordinary diligence, perhaps I may say ordinary diligence, would get to Milan in six days and nights.

Do you think a courier, using his utmost diligence, could go from hence to Milan and return, without any delay there whatever, in less than fourteen days? I do think so; I think he might.

Did you expect that Rastelli could have performed the journey in less time than that, there and back? I can scarcely say what my expectation was; I generally calculate a courier's going in six days and nights; I know it has been repeatedly done.

Supposing this man had travelled twelve days and twelve nights without intermission, that was the least time in which it was possible for him to go and return from Milan? I do not say the least time, but that is the time he would probably have taken, if not a day or two more; he might have taken a day or two more.

Then state what time there was left, considering the time occupied in going and coming, for him to execute this commission or personal communication with the families of the witnesses, so as to make it possible for him to have been here again on the third of October? Supposing him to have left London on the evening of the 14th he would have arrived at Milan on the 20th; I believe he went on the evening of the 14th, allowing six days for his return, whenever that might be, that would be the 26th, he would then have seven days.

Did Colonel Browne state in his letter to you the date of his arrival at Milan? I do not recollect that he did.

On referring to your letters, if you find the date stated, should you have any objection to communicate it to the house? I can have no objection to communicating that, except that I object to communicating anything.

You object to communicating the mere fact of a date? The mere fact of a date I could have no objection to communicate, except as forming a part of the confidential communication that has taken place between Colonel Browne and myself. I consider that I ought in my character to object,—it is not that I should have any personal objection, but I consider it my duty to object to making any communication of that nature.

Have any of the persons whom you have stated to have been ill-used at Dover returned to Italy? None to my knowledge, except Rastelli himself, who was ill-used.

Was there not a woman among those persons? I understood there was. I understood one man has never recovered the effect of it, he has been deaf ever since.

Is that woman still in England? She is.

Did Rastelli bring more than one set of witnesses to this country? I cannot recollect all the names, I can recollect some he brought over to Dover, as I understood; I did not see them.

On inquiry, can you ascertain the names of those witnesses whom Rastelli brought? I could, on inquiry, ascertain the names.

Can you state what was the greatest distance of the residence of any witness from Milan, whom Rastelli brought to this country? I cannot; I do not remember the names of all, therefore I cannot state.

Do you conceive Rastelli could communicate with the families of all the witnesses he brought here, by going to Milan? That he could conveniently communicate with them all, certainly.

Do you know the names of the two persons, whom you state to have been sent back to Italy. I have stated one person to have been sent back to Italy.

Do you know his name? I do,—Aquabuona.

Did you not know, that you, had lost all control over Rastelli the moment he quitted England; and might not any other courier, not placed under such circumstances, have conveyed the intelligence to the families of the witnesses? Personally, I lost all control over him; but I do not know that I ever had any control over him; I have already stated, that I did not think any other person could so well have communicated that information.

You have stated, that you consider the witnesses for the prosecution are not under your direction and control; do you know under whose direction and control they are? I can scarcely state under whose, I consider them under the control and direction of the government generally, and the agents of the government.

Who is the person immediately authorized by government to see after those witnesses, and to direct and control those witnesses; do you know of your own knowledge? There are several persons who reside in the place with them, under whose immediate direction, whether control I cannot say, but under whose direction and care they are.

In point of fact, are persons admitted to see the witnesses, or refused admission, by your order? I have given directions, that persons should be admitted to see the witnesses, and certainly I have given directions that strangers should be excluded; not that a constant, direct, and free communication should be had to the witnesses by every body who wished to go there, because I thought it inconsistent with their safety.

You are understood to state, that you did not consider Rastelli to be under your direction or control, under what authority did you take upon yourself to send Rastelli from the country? As a person assisting, an agent, perhaps, I may call myself; a person assisting in the support of this bill; I conceived that I had a right to send Rastelli, that I had that sort of implied authority.

Did you send Rastelli out of the country of your own mere motion, without any communication with any other agent in the cause? I do not recollect whether I made any communication to any other agent in the cause; I know I spoke of it generally; I made no secret of sending Rastelli.

You took it solely upon yourself to send this person, whom you did not consider under your control, out of the country upon this occasion? I took upon myself to send this person as a courier upon that occasion.

Can you state the names of those witnesses whom Rastelli brought over to this country? I did not see the witnesses brought over by Rastelli, I can merely state it from hearsay, therefore I have no personal knowledge as to who they were.

Did you consider yourself as having any authority over Rastelli to order him to go out of the country? If the man had refused to go out of the country, I certainly had no authority to order him; I even considered him at liberty to go if he pleased, and that I could not have stopped him; I conceived that he was under no legal restraint.

The Attorney-General of the Queen.—Previous to Rastelli's being sent

back to Italy, how many of the witnesses had, to the best of your knowledge and belief, returned to the north of Italy after having been here? I do not know of any; to the best of my knowledge and belief, none.

Will you undertake to swear, that at the time that Rastelli was sent back, you did not know and believe that any persons who had been in this country as witnesses, had returned to the north of Italy? To the best of my knowledge and belief, none.

The question relates to witnesses who have been here and have never been examined at all; will you undertake to swear that none of those witnesses who had not been examined, had gone back at that time to the north of Italy? None; I have no recollection whatever of any. I know of one person who was sent over here as a witness having been sent back to the south of Italy; I know of no person who had been sent over here; I have no recollection of any person who had been sent over here; I have no belief of any person who had been sent over here having returned to the north of Italy; if there be any names, and you will state them, it may bring it to my recollection. There were so many persons that I cannot possibly take upon myself to recollect every name of every individual who has come over here; some have come over that I have never seen.

Will you take upon yourself to swear, that, at the time Rastelli was sent back, no other person employed as a courier under the Milan commission, had ever gone from this country to the north of Italy after the Dover riot; Krouse, any other person employed as a courier under the Milan commission? After the Dover riot, certainly not, under the Milan commission; I consider the Milan commission to have ceased its functions upon the return of Mr. Cooke and myself from Italy, early in the month of June, 1819; having left Milan myself in the month of May, for the last time, but having ceased to act in the month of March, 1819. I do not consider myself as having acted under that Milan commission in this country.

The question relates to any persons employed as a courier in relation to this bill, and to the persons to be examined in support of this bill? Certainly couriers have been sent from this country since the Dover riot.

Will you give the names of some of those persons who have so gone backwards and forwards since the Dover riot? Does the question mean down to the present time?

Down to Rastelli's departure? I know as a courier, Krouse.

Had not Krouse brought over some of the witnesses from the north of Italy? Yes.

Has any other person gone backwards and forwards since the Dover riot, as a courier to the north of Italy? Other persons have gone as couriers to the north of Italy.

Who? I do not know; Krouse is the courier I know.

Did you know of Krouse having so returned to Italy after the Dover riot, at the time you sent off Rastelli? I did.

Did you also know of those other persons having gone as couriers at the same time? I did.

Did you send any other courier, besides Rastelli, to give information and comfort to the families of the other sets of witnesses, besides those whom Rastelli had brought over? Letters were taken from all the witnesses, and sent to Colonel Browne, by those different couriers, by other couriers besides Rastelli.

Were any of those couriers, besides Rastelli, directed to go round to the families of the witnesses, and to give them better evidence than their hand-writing of their friends being still alive in this country?

When Krouse was sent to Milan, with letters from the witnesses here, I considered that Colonel Browne would make use of Krouse in giving any information of that nature.

Did you give any instructions to Krouse, similar to those you gave to Rastelli, to go about to the families when he took the letters? I do not recollect any instructions, any particular instructions to Krouse.

Did you give any instructions to any of the other couriers to the same purport with those you gave to Rastelli? I sent my letters to the Foreign-office to be forwarded; but I beg to state, I received information from Milan that the families of persons there were not satisfied with the assurances given by Colonel Browne, and further, that reports were circulated that the letters which were sent by individual witnesses from this country had been forced from them, and that they had been obliged to write them in that way stating their safety.

Name any persons who gave you that information? I received information to that effect from Colonel Browne.

Will you mention the names of any families who were so uneasy? Colonel Browne's information was general; but I can name an individual to whom a representation had been made, after such letters had been sent, that her husband had received great personal injury, the wife of Rancatti, who had been sent for express by a person in Milan, to be informed of that, as I understood.

Did you not know that Rastelli never knew one of those witnesses whom he brought over, nor their families, and never had in his life seen one of them before the journey? How can I know that?

Do you not know that Rastelli has sworn it in this place? Whatever Rastelli has sworn appears upon the minutes.

Had you read those minutes before the 14th of September, you being agent for the bill? I did read the evidence; I do not recollect to have read Rastelli's evidence; I have heard it.

Did you not hear Rastelli swear that he never had seen one of the eleven witnesses he brought over before he came the journey with them, consequently could not know them or their families? I cannot take upon myself now to say what I heard Rastelli swear.

The following extract was read from the printed minutes:

'Who are the persons with whom you came? Some I know, some I do not know; those I know, I know because we came together, but I had never seen them before.

'Who are they? They are various; I knew them by sight before, but I had no intimacy with them.

'State their names? Of some I can say, the others I do not know.

'State the names of those you do know? Carlo Rancatti, Geralimo Mejani, Paolo Oggioni, Philip Riganti, Henrico Bai, Finette, the wife of Majocchi; perhaps there may be some more, but at present I do not remember them.'

Did you not hear the whole of that evidence given by Rastelli before you sent him? I am not sure that I heard the whole, because I frequently go in and out of this house, therefore I cannot take upon myself to say that I heard the whole; but I must beg to observe, that the sending Rastelli had not reference merely to the families of those witnesses whom he brought over with him to Dover; the occurrence at Dover had occasioned an alarm to the families of all persons who were sent over, or to come over as witnesses in support of this bill.

Do you mean to state that the intention of sending Rastelli was, that he, Rastelli, should, at Milan, go round, and in the country in the neigh-

bourhood of Milan, not merely to the families of those he had brought over, but all others who had come over, and others also who might come over? To the families of all those that had come over, as far as he could; and, under Colonel Browne's direction there, Rastelli was to go and to take letters to the families and relations of persons who are here; as to the families of those who might come over here as witnesses it could have no reference, because they were not in danger.

As nearly as you can tell, about how many, not within one or two, or six or seven, but about how many witnesses came over from the north of Italy in support of this bill? I cannot tell; I do not know the numbers who are here now, and I cannot tell.

Had Rastelli remained in this country the whole time which intervened between the riot at Dover and the 14th of September? Rastelli went to Holland.

Had he instructions to go to any other place? Not that I know of.

Will you swear he had not been back at Milan between the riot at Dover and the 14th of September? No, I will not undertake to swear that he had not; I did not see him afterwards.

State the language you used to Rastelli in giving him his instructions before he set out on the 14th, as far as is connected with this inquiry? As far as I can recollect (I cannot state the precise words) I told him he should collect letters from all the witnesses who were there, and that he should take them, and see the persons in Milan and that neighbourhood, and communicate to them the situation in which he had left them —that they were all safe—in order to ease their minds from the alarm that was, I understood, prevalent.

Did Rastelli say any thing about coming back at that time? He said he would come back as soon as he could; I knew that Rastelli was a very important witness in the proceedings on this bill, and that he would be a very important witness, as I believed, in the House of Commons, in case the bill should go there; I had no motive whatever, therefore, in sending him, except that which I have stated; and I certainly repeat what I have before said, that if I had not had the strongest conviction in my mind that Rastelli would have returned to this country, no inducement whatever, and no feeling should have made me send Rastelli out of this country.

Mr. Attorney-General.—Were you present in this house when the attorney-general of the queen stated, that he did not intend further to cross-examine any of the witnesses who had been called in support of the bill? I was, and heard him so state.

Has any intimation ever been conveyed to you, or to any other person to your knowledge, by the agents or counsel for her majesty, that Rastelli would be wanted again to be cross-examined by them? None whatever; and I considered it not at all probable that Rastelli would be wanted to be cross-examined by them, because I had understood the house to have called up Theodore Majocchi, who was the only person called up for re-examination, under special favour, and as a special act of the house, not one to be continued with respect to all the other witnesses, who had been examined and cross-examined, and the cross-examination done with.

Has any intimation ever been conveyed to you, or to any person to your knowledge, that her majesty's counsel meant to call Rastelli as a witness for the queen? None whatever.

Had you, when you despatched Rastelli to Milan, or had any other person with whom you have communicated, to your knowledge, the slightest intention of withdrawing Rastelli from this country, in cons-

quence of his having given evidence in support of this bill? None whatever; and no person, for any consideration whatever, should have prevailed upon me to do such a thing.

EXAMINED BY THE LORDS.

Do you know whether, between the riot at Dover and the time of Rastelli's quitting this country, there was any courier went from this country who was present at the riot at Dover? Not any that I know of; I do not know who were present at the riot, and therefore I cannot tell; not to my knowledge, certainly, I was not at Dover.

Was not Rastelli himself mal-treated at Dover along with the other witnesses? I understood they all were mal-treated.

Then *Joseph Planta*, Esq. was examined by the Lords.

Are you under-secretary of state in Lord Castlereagh's office? I am.

Do you remember any application having been made to you by any person in the month of September for a passport for an Italian of the name of Rastelli? I remember that Mr. Powell came to me in the office in the month of September, and stated that it had been determined to send Rastelli as a courier, and desired me to take the official steps for that purpose.

What did you do in consequence of that application? I, in consequence, ordered the passport to be made out for him, and took the steps which were proper.

By whom was that passport signed? By Lord Castlereagh; that is to say, if I might be allowed, I should explain that; there are signed passports kept in the office ready for such occasions, that therefore it was a signed passport which was used for that purpose.

Did you make any application to Lord Castlereagh respecting the granting of that passport? I did not.

Did you, of your own accord, grant that passport, in consequence of Mr. Powell's application? I did.

Is it the practice of your office, for persons in your situation to grant such passports to couriers, without an immediate order from Lord Castlereagh? It is the constant practice.

Had you received from Lord Castlereagh, or from any other person, any instructions with respect to the granting passports, or otherwise, to persons who had attended as witnesses at the bar of this house in the progress of this bill? I had received no instructions whatever from Lord Castlereagh, or any other person, with respect to witnesses or persons attending at the bar of this house.

At the time that passport was granted did you know that Rastelli had been examined as a witness upon this bill? I knew it generally, from the knowledge one has from reading the newspapers; the general knowledge one obtains of the events of the day; but I did not know it otherwise, that I am aware of.

Do you know on what precise day that passport was granted? I believe on the 14th of September.

Do you know whether courier Rastelli was charged with any despatches from the Foreign-office, or only the despatches given to him by Mr. Powell? I think certainly not with any despatches from the Foreign-office.

Do you know whether any passport has been granted to any courier

for the purpose of calling back Rastelli? I know that passports have been granted to other couriers, but what the object of their going might be I do not know; what I mean is, that I do not know, of my own knowledge, that their object was to recall Rastelli.

In what capacity did you consider Mr. Powell to have applied for the passport for Rastelli; in what capacity did you consider him as acting? As an agent on the part of the prosecution, certainly.

When Mr. Powell made the application for the passport for Rastelli, did he at the same time make an application for other passports for other persons to return to Italy with Rastelli? I think certainly not.

Has Mr. Powell made any application to you, at any other time, for passports for other witnesses on the part of the prosecution to go away? Certainly not.

Were you acquainted with the orders of this house at the time you granted this passport, the order respecting the witnesses not being allowed to leave this country? I had no knowledge whatever officially of it; I merely knew it in the same manner that one would know any thing one sees in the newspapers.

The Attorney-General of the Queen.—Did Mr. Powell say anything else to you respecting Rastelli's going back to Italy at that time? As far as I recollect, he mentioned something about Rastelli's being a proper person to return to satisfy the families of the witnesses here, he made some statement of that sort, but I did not attend to that, I did not consider it as my business, I merely did the official act.

Did he say anything else respecting Rastelli's return to Italy at that time? I really recollect nothing else that he stated.

Did you recollect his mentioning that Rastelli had been examined as a witness at that time when he applied for the passport? I do not recollect that he did.

Was anybody by at the time of this conversation with Mr. Powell? I really cannot recollect, it is a month ago, whether there was anybody in my room at the time; there are a great number of persons constantly in my room; I fancy there may have been others. Mr. Powell came in and staid but a short time, but I cannot recollect whether there were others; it is very likely there were other persons in the room.

You say that passports have been granted since the 14th for couriers, do you mean to send couriers on business connected with this bill; this prosecution, as you call it? Certainly, I do mean that.

What was the earliest of the passports after the 14th of September granted in this way? That I really cannot recollect; I cannot posibly know that now, at this moment.

How soon can you take upon you to say that a passport was granted of this description to the north of Italy, after the 18th of September? I really do not know; I do not keep the book of the dates of the passports, all I have to do is to give the order for its being done; it is done, and a register kept of it; I do not keep the dates myself, and therefore I do not recollect the next date after the 14th.

Endeavour to recollect the date of the other passports with the same accuracy as you have recollected this? In consequence of what had passed, I ascertained last night, from the proper official person, that it was the 14th; previously to so doing, I had no knowledge of the date of that.

Mr. Planta was directed to ascertain the date of the earliest passports after the 18th September to the north of Italy.

The counsel for her majesty were directed to proceed.

The Attorney-General of the Queen requested, that himself and the other counsel of her majesty might be permitted to withdraw for a few minutes, in order to consider how, under the present circumstances, they should proceed.

The house was adjourned during pleasure.

After a short time, the house was resumed.

The Attorney-General of the Queen stated, that in the extraordinary circumstances in which he and the other counsel for her majesty were placed, and under the new and insuperable difficulties by which they were surrounded, he felt it impossible to announce to their lordships any determination which they had come to as to what future course they might feel themselves compelled to pursue in the further conduct of their case, more than to state that they would to-day pursue a little further the line of examination in which they had been engaged yesterday.

Then *Filippo Pomi* was examined by Dr. Lushington.

In what part of Italy do you usually reside? At the Barona.

How long have you resided there? In my own parish for 35 years; in the place where I work by day, 14.

Have you resided in the house at the Barona, where the Princess of Wales resided? I have been living 14 years in that house.

Do you remember the Princess of Wales residing in that house? Yes, I do, by night and by day.

What are you by trade or profession? A carpenter.

Do you know Guiseppe Rastelli? I do.

Was Guiseppe Rastelli in the princess's service? He was a groom.

Do you know Louisa Demont, a chambermaid in the princess's service? I do.

Do you remember, in the course of the last year, Rastelli coming to the house at the Barona? I do remember it.

By whom was Rastelli accompanied? Rastelli came together with the son of the head-master.

Was Demont with Rastelli at that time? Demont came half an hour after, in a carriage with other persons.

Were Rastelli and Demont on that occasion together in the house? They were.

What did you see Rastelli do on that occasion? I saw them make a little drawing, or plan, up stairs.

Did Rastelli, on leaving the house, offer or give you any money? He asked me whether I had received presents from those persons who had come, and I said no; and he afterwards made me a present.

Of what amount? He made me a present of 40 franks, two half Napoleons or 40 franks.

Did he offer any money to induce you to come here as a witness? He did offer me on another day, not on that day; but he offered me not—not on that day, but he told me, that if I had anything to say against her royal highness I should receive a great present.

When was it he told you you should receive this great present if you

had anything to say against her royal highness? I said that I had nothing to depose against her royal highness, and that I had nothing to speak but well of her.

State, as nearly as you can, the exact words which Rastelli used when he told you that you should have a great present if you came to speak against the princess? He told me, "Pomi, if you like, you may make yourself a man;" I asked him in what manner; he answered, "You, who have always lived in this house, day and night, may have something to depose against her royal highness;" I said, that I had nothing to depose against that lady, who had always done a great deal of good.

Was Mademoiselle Demont present upon that occasion? She was not.

Did Rastelli, at the time he made you this offer, mention the name of Demont to you? No; because it was a few days after that he had with me this conversation.

Where did this second conversation take place? It took place on a morning that he called upon me, and we went together to the inn.

Did he then make you any offer or promise of money if you would become a witness against her royal highness, in what words, as nearly as you can recollect? He told me, "Pomi, if you have anything to depose against her royal highness, now is the time; you will have a great present; you will become a great man, and shall receive a great present;" we went to the inn together, and we drank there.

Did he then, when he told you you should have a great present, mention the name of Demont? Yes, he did mention the name of Demont.

With reference to what did he mention the name of Demont? I asked him whether Demont was still in the service of her royal highness; he told me that she was; he did not mention to me her name on the day he was taking the drawing, but he mentioned it on the second day, and told me that she had made a good day's work; we were there at the inn, and we drank together.

(Mr. Cohen.)—He has added these words, "and that she, Demont, had gained a great sum."

Some doubt being expressed whether the whole of the answer had been translated; the interpreter, having been directed not to interrupt the witness, but to hear the whole answer before he translated any part, the question was ordered to be proposed again.

The question was again proposed, and the witness said,

I asked him for this thing, because I told him, tell me how is this business, for he told me that Demont was still in the service, and then I found out that she was here; and he told me at that time that if I would depose something I should have a great present; and I said that I had been night and day, a long time, in the house, and I never saw any thing that enabled me to speak ill of that lady; then he told me you know nothing, for I tell you that that house was a very bad house, bad women, and so; and I answered that this was a real falsehood, for I had been in the house, day and night, and I saw nothing of this, and we ended so.

Did Rastelli, upon that occasion, say any thing further respecting Demont? No.

Then *Joseph Planta*, Esq. was further examined by the Lords:

What is the first date after the 18th of September of any courier going to the north of Italy on this business? It appears to be on the 28th of September.

Then *Filippo Pomi* was further examined by Doctor Lushington:

Was it upon this occasion, that Rastelli used the expression you have repeated, of making a good day's work? Yes, it was on that occasion, that he was going about making recruits.

State all that Rastelli said about making a good day? I cannot express it; I must only say that he told me, that on that day, when she came there to make that drawing, she had made a good day.

Do you know a person of the name of Riganti? I do, he is a companion of Rastelli.

Where does Riganti live; At the Porta Ticinese.

Of what trade is Riganti? He sells salt, tobacco, brandy, and other liquors.

Does he live at Milan? He dwells out of Milan, at the distance of two gun-shots.

The Solicitor-General of the Queen requested that their lordships would ascertain whether Riganti was now in this country, and could be brought to the bar.

Mr. Solicitor-General submitted, that the counsel for her majesty had no right to desire that question to be put to the supporters of the bill.

The counsel were informed, that if Riganti should be in this country, it was in the discretion of those who opposed the bill, whether they would call Riganti as a witness or not, and that it was also in the power of any peer to propose to call Riganti at any period; but that that question could not be put by the house to the counsel in support of the bill, whatever information might be given in any other way.

The counsel were directed to withdraw, and the house adjourned.

THIRTY-THIRD DAY,—MONDAY, OCT. 16.

On the formation of the court, Earl Grey begged to submit to the house, that Sir John Beresford had arrived in town, and, as his private affairs required his immediate presence, he trusted that the house would have no objection to his being called in now, and examined as to his connexion with Carrington while on board his ship: and the counsel on both sides having no objection to the examination of Sir John

Beresford being now interposed in the middle of the examination of Filippo Pomi,

Sir *John Poer Beresford,* Bart., was examined by the Earl Grey.

Are you an admiral in his majesty's service? A rear-admiral.

Did you, during the late war, command his majesty's ship Poictiers? I did.

Do you remember a person of the name of William Carrington serving on board that ship? I do.

In what character did he so serve? As quarter-master.

Was he never otherwise rated than as quarter-master of that ship? Not while I commanded her.

Did he leave the Poictiers during the time you commanded her? He left the Poictiers at the time there was an acting captain on board. Perhaps, if I were to tell your lordships the circumstances, it would prevent a good deal of delay. At the request of Sir William Gell, I procured the man's discharge from the Poictiers, by writing to Captain Jones, my acting captain, to beg he would rate him as my clerk, in order to get him his discharge, and he was discharged by Captain Jones rating him as a midshipman; as I fancy there was no vacancy for a clerk, he was rated a midshipman in order to get him his discharge.

You understood him to be rated as a midshipman previous to his discharge? I did not; I never knew he was rated midshipman.

You were understood to state, just now, that Captain Jones had rated him as midshipman previous to his discharge? I understand he he was rated midshipman after he was discharged in order to get his pay.

In point of fact, he was rated midshipman before he was discharged? Yes, the ship's books will best tell that.

Was it at Sir William Gell's request, and not in consequence of any request on his part? At Sir William Gell's repeated request to me.

Did you give him, at the time of his leaving, a ship certificate of good conduct? I gave him a certificate of good conduct either before he left the ship or after, I do not know which, but I gave him a certificate.

You gave him a certificate expressing your approbation of his conduct? Yes, he was a very good man while I commanded the ship, and I gave him a certificate, as I do all good seamen.

Did you consider that there was anything irregular in his conduct while on board the ship, or anything irregular in his manner of procuring his discharge? The first question I should wish to answer first; while he was on board the ship, there never was a man that behaved better: as to the irregularity of his discharge, if there was anything irregular in it, which I believe there was, it was my fault, and not the acting captain's; I had it done in order to oblige Sir William Gell.

There was no fault of William Carrington? No fault of William Carrington whatever; he was a very excellent man.

By Lord Melville.—Are their lordships to understand from you, that William Carrington, in point of fact, never was a midshipman of the Poictiers, while you commanded that ship? Never.

He never did the duty of a midshipman? Never.

Do you recollect any conversation with Carrington, as to his being rated as a midshipman, or brought forward in the service as an officer? Never.

Did he ever state to you, that he wished to be discharged from his majesty's service, because he did not like the sea? Yes; Sir William Gell asked me to do him the favour of sanctioning this man's discharge; I called Carrington, and said, "Carrington, what do you wish to leave the service? I hope to God you will not leave the service." He said, he was very anxious to leave the service, he was pressed into it, and did not like the sea. I think those were his words, as nearly as I can be upon my oath; I was surprised when this discharge was asked for.

Do you recollect any correspondence with the Admiralty on the subject of his discharge? I never had a correspondence with the Admiralty on the subject; and I did not know there was any correspondence with the Admiralty on the subject; if I had, I would not have given him his discharge. I could not fly in the face of the Admiralty, because I think it was an improper thing Captain Jones discharging him at my request; if there is any blame for discharging him, I hope it will be attached to me.

Was there any engagement that Carrington should be rated as a midshipman, or any understanding on that subject, at the time he came on board your ship? No, he was drafted, I believe, on board the Poictiers from another ship; I had never seen him till then.

Was there any engagement during the time of his service as a quarter-master, that he should be made a midshipman when he was serving in your ship? Not by me; there was no engagement.

By the Earl of Liverpool.—Did William Carrington leave the service in the year 1811? Yes, he did.

Had he, or had he not, been a midshipman for twelve months before he left the service? No; he had never been a midshipman before he left the service, to my knowledge.

Did he ever decline the appointment of midshipman? I never offered it to him.

Do you know whether he did or did not receive midshipman's pay for a twelvemonth? The ship's books can best tell that; but I should say no; the ship's books are always regularly kept, and can be referred to.

Do you remember desiring Carrington to go down to the Thisbe, and ask for his papers? I do not remember that, it it ten years ago since this occurred; but I got him put on the Thisbe's books, in order to get his pay for him; therefore, I think it is probable it was so, but I cannot charge my memory with it exactly; the Thisbe was the flag-ship in the river.

At what time did you get him put upon the books of the Thisbe? He was discharged from the Poictiers into the Thisbe, in order for him to get his pay; I think it was about June or July, 1811; I was on shore at the time.

You are certain that you never gave Carrington any reason to expect promotion as a midshipman during the time he served as a quarter-master? Not while I was in the ship.

Did Carrington ever state to you any difficulty, in point of expense, of dressing himself, and maintaining himself as a midshipman? No; if he had I should have maintained him, as I did others in the service, 'till he could pay me again.

Did Carrington while he was on board the Poictiers, ever act as a midshipman? He never did. I should wish, in justice to Carrington, to answer the question, whether he was ever led to believe that he

was hereafter to be a midshipman; he never was led to expect that from me. I am about to give my opinion, perhaps it is not evidence; I understand the noble lord's question to be, Have you any reason to believe that he was led to expect that from anybody else? my answer was going to be, that the first lieutenant had so good an opinion of that man, I do not know what he might have held out to the man while I was absent; but I never held it out myself. I refer to Lieutenant Alcock, now Captain Alcock; I do not know that Lieutenant Alcock did.

Did you ever tell Carrington that he was to be on the quarter-deck; and do you recollect Carrington replying, that he did not wish to be on the quarter-deck, for he had no friends or money to support him on the quarter-deck? He never told me any such thing; and after I knew he was to be Sir William Gell's servant, it was very unlikely I should propose him to be an officer in the service.

By the Duke of Clarence.—Carrington having informed this house that he did not go upon the quarter-deck for some time after he joined the Poictiers, was he ever on the quarter-deck of the Poictiers? He never was on the quarter-deck, except when his duty as quarter-master led him there.

Did William Carrington apply to you at any time after he left the Poictiers, respecting his pay? He did.

Do you recollect what passed between you and him on that subject? I think it was four or five years afterwards; I met him in the street, or he waited upon me; he said, I have not got my pay, captain; I said, I will get it for you, and I was the means of its being procured.

Did you give him a letter to a gentleman at Somerset-house for that purpose? I either gave him a letter, or went to Somerset-house myself, I do not recollect which, but I know I got him his pay.

Do you remember at any time previous to his discharge from the Poictiers, having any conversation with him respecting his wish to leave the service? Yes, I remember rather reproaching him for quitting the service, and saying, "I was quite astonished he had quitted the service, particularly as he was so comfortably situated on board the ship;" I was displeased with his quitting the service; I did it to oblige Sir W. Gell; I did not like so good a man quitting the service, and the reason he gave me was, that he was pressed into the service, that he never liked the sea, and was anxious to quit it.

The question related to any time previous to his quitting the Poictiers? The answers he gave previously and afterwards were exactly the same.

There was nothing passed relative to his inability to support the expense of being on the quarter-deck? Nothing.

Do you know that Carrington, whilst doing duty under your command on board the Poictiers, knew what his rating on the ship's books actually was at the time?

The Attorney-General of the Queen submitted an objection to the question.

It was suggested that the proper question might be, whether the witness knew whether Carrington did or did not know how he was rated.

Do you know, from any fact or circumstance, within your own knowledge, that Carrington did know how he was rated? Every man and officer in the ship knew how they were rated, to the best of my knowledge and belief; I never hid the rating from any of them; but with six hundred people in the ship it is impossible I can recollect the rating of every man ten years ago; but I believe he knew it.

Are you certain that Carrington did not know he was rated quarter-master? I should think he knew it, as he always did his duty as quarter-master; but he and I never had any conversation upon that subject.

Do you know whether Carrington ever messed with the midshipmen? He never did.

Was the pay which you state you obtained for Carrington some time after he was discharged, either by personal application at Somerset-house, or by letter, the pay of a midshipman, or the pay of a quarter-master? I believe both; the pay of the midshipman's part of it, could only have been a few days, because he was discharged into a ship to get his pay as a midshipman; therefore for those two or three days he must have been paid; but the Navy-Office books can best state this.

According to the course and practice of the naval service, is not every man rated according to the duty he does on board the ship? Generally speaking.

During the continuance of William Carrington on board the Poictiers, was he on any occasion particularly recommended to your notice by the first lieutenant? Not that I know of; but he was a very great favourite of the first lieutenant's, being a very good man, and the first lieutenant was very loth to part with him.

Where was the Poictiers employed during the twelve months that he was on board that ship? The first part of her service we commanded at the blockade at Brest, then at Lisbon, then in the North Seas.

Did Carrington come on board with a draft of men, or was he received on board on the ship's being first commissioned? As far as my memory charges me, with a draft of men from the Majestic; I think there were six or eight of them.

During the continuance of Carrington on board the Poictiers, was the ship in coruse of payment? I cannot say positively, but I think she was.

The ship's books will prove the fact? Of course.

What was the name of your first lieutenant? Lieutenant Alcock, now a captain.

Where does he live? Near Carmarthen, in South Wales, and a most able and excellent man he is.

Do you know where Captain Jones, who was the acting Captain at the time of his discharge, is? I do not, but I know Captain Alcock's residence from being in the habit of corresponding with him; I had a letter from him about two months ago.

Mr. Brougham begged to observe, before the cross-examination of Pomi was commenced, that it would be impossible for him and his colleagues to proceed with the case unless they were told who was the adverse party with whom they were to contend. It was in opposition to every form of judicial proceeding to withhold this information.

Lord Calthorpe, in allusion to the notice of the learned counsel, touching the identity of the prosecutor in this case, observed, that it appeared to him, that this being a proceeding originating in state policy, the House of Lords were the prosecutors.

The Earl of Liverpool said there was no mystery in the proceedings. He had brought down the papers by his ma-

jesty's command; a secret committee had reported upon those documents, and then his lordship, on his own responsibility, brought in the bill which the Attorney-General had been directed to examine witnesses at the bar in support of the preamble, which, he had a firm conviction, would be proved in evidence.

The Marquis of Lansdown urged the expediency of identifying the real prosecutor of the bill, in order that the defendant might have the benefit of sifting to the bottom the conspiracy to which allusion had been made, and discovering the truth and justice of the case.

The Lord Chancellor thought, that in point of order, the examination of the witness now at the bar, ought to be concluded before any motion upon the subject alluded to was brought before the house. The noble Secretary of State having brought in the bill, he did so upon his own responsibility, and was answerable for the consequences like all other ministers.

Earl Grey complained strongly of the absence of an avowal of a principal. Without this knowledge the conduct of agents could not be thoroughly investigated, for the purpose of ascertaining whether subornation of perjury had, in fact, been committed.

The Earl of Carnarvon condemned, in the most pointed terms, the manner in which this business had been conducted with respect, for instance, to the Carlsrhue evidence, which rested on the testimony of one witness—a witness, too, that had been examined, not by the Milan commission, but by the Hanoverian minister, and afterwards taken to Hanover. Was that minister an authorized agent, and who was responsible for his acts? Did ministers adopt the conduct of the Hanoverian minister?—or who was to be reponsible for the acts of the minister of a little German despot? Perhaps, not only the ministers employed in this business were those of the King of Great Britain, but also of the King of Hanover, and even of the Duke of Cornwall. If the real constitutional advisers of his majesty were responsible for all that had been done, he believed they would have to answer for most disgraceful means, which compromised the character of the country. Every principle of justice, every feeling of truth and common sense, were at variance with what had been done in this miserable case.

Lord Melville here moved, that the proper officer should attend from the Admiralty, with copies from the ship's books of the Poictiers, &c. of the situation on board and services of William Carrington.—Ordered.

Then *Filippo Pomi* was again called in, and cross-examined by the Attorney-General.

You have stated that you resided in a house at the Barona, is that house now called the Villa Pergami? Yes, at present it is called the Villa Pergami.

How long has it been so called? A little time ago.

How long ago? After that Monfrini sold it, about three months ago.

Do you mean to swear that it was not called the Villa Pergami until three months ago from this time? It was so called, even before then; Monfrini bought it, and after Monfrini sold it, it was called again the Villa Pergami; we always called it La Barona, and we then began to call it Villa Pergami, after that Pergami had bought it.

How long ago is it since you first called it the Villa Pergami? He bought it in the year 1816.

After Pergami purchased it, did you continue to work there as a carpenter for Pergami? I did.

Had you continued to work for Pergami at the Villa down to the time of your leaving Italy? When he was master I worked for him; when other people have been the masters, I have worked for the other people

When did you last see Pergami? This I do not quite recollect; it must have been in the month of August, I believe.

Where did you see him? At his house.

Did you see him any where else? I have seen him in no other place, for I never went out of the house.

Did you see him the day you left the Villa Pergami? I did not.

How long before did you see him? I left the Villa Pergami on the 20th of September; I had seen him in August, but I do not know the day, I cannot mention the day.

Will you swear you did not see him in the month of September? I cannot swear, it must have been the latter end of August, or the beginning of September; I cannot swear, I have not made a memorandum, and I cannot tell.

How long before you left the Villa Pergami, was it that you saw Pergami upon your oath? I left on the 20th of September, and I cannot tell whether it was the latter end of August, or the beginning of September, I do not know.

Was not Pergami living at the Villa Pergami at the time you left it? No, he had set out, he had gone away, and I do not know when he went away.

Who desired you to come over here as a witness? No one; my own will.

Do you mean to swear that you came voluntarily, without any application having been made to you for that purpose? I came here by my own will, because I heard that the advocate Codazzi was receiving witnesses, and I went to say that I had to say something in favour of that lady, who had done a great deal of good.

A doubt being suggested, whether this was the full import of the answer, the following question was put:

Did you say, that she had done a great deal of good, or that she had done you a great deal of good? To me, and to all the people at the Barona; she has done me a great deal of good, and a great deal of good to all the people in general.

Do you mean to swear, that you went to Codazzi of your own accord, and that no application was made before that time to go to Codazzi? Yes, I swear that before any tribunal.

Did any body apply to you to go to Codazzi before you went there? No; I heard that Codazzi received depositions in favour of this lady, and I went to Codazzi willingly.

When was it you went to Codazzi? It was on the 24th day of August.

Was Pergami then at the Villa Pergami? He was not.

Do you know whether Pergami was at Milan at the time you went to Codazzi? As far as I know, he was not there.

Did any person desire you to come here from Italy to be a witness? There has been this Codazzi, who told me so and so, who told me this and this; if you have any deposition to make, you may go, because your deposition is good.

Were you examined by Codazzi? Yes.

Was any body else present when you were examined? No.

Codazzi having said to you that you might go, did you in consequence of that come here of your own accord? Yes, because I told him, that if it had been a business which required me to go a hundred miles I would go willingly, because I would go (*volontariamente.*)

The interpreters being asked whether the whole of the answer of the witness had been given, they concurred in stating that the whole had been given.

After you were examined by Codazzi, and before you set out from Italy, did you see any other person on the subject of your coming over here as a witness? Yes, I had seen another English advocate at Milan.

When? The day after I saw Codazzi.

Who was with the English advocate when you saw him? I have been in his house, and I have seen only him; I went there by my own accord, as I did in regard to the advocate.

Did you see any other person besides the English advocate upon the subject of your coming here after you had seen Codazzi? Not at that time.

At any time? When he came one day to the Barona I saw him, the advocate Codazzi, and another person.

Who was that other person? I do not know that person.

Was he an Englishman or an Italian? I believe he was a foreigner; I believe he was an Englishman; for I did not speak to him, I merely took him up stairs to shew the house.

Do you know Vassali? I do.

Did you see Vassali at any time before you set out from Italy? Yes, I saw him.

When was it you saw him; how long before you set out from Italy? It was in the month of August, but I do not know when; I have not present the day.

Was it before or after you went to Codazzi? It was after.

Did you come over to England by yourself, or in company with other persons? I came over in company with the head-master, Giarolini, and three other persons.

Where was it you saw Vassali; was it at the Villa Pergami, or at Milan? I saw him at Milan.

Where? Near to his house; I saw him when he was getting into the carriage.

Did you call at his house? No, I have never been at his house.

Was that the only time you saw Vassali? I had seen him many times; I had seen him in the year 1817, and the year 1818.

Besides that time at Milan, have you seen him on any other occasion, on the subject of your coming here as a witness? I have seen him here; I do not know in what place; in this country, in London.

Did you pay your own expenses in coming here, as you state that you came voluntarily? I did not.

Who paid them? The head-master paid all the expenses, for he paid for all.

Is Giarolini your head-master, or who is your master? Giarolini.

Is he your master when you live at the Villa Pergami? He is.

What are you to be paid for coming here as a witness? Here it is; when I went to the advocate Codazzi, I told him, that if it was to be an affair of a little time, I had no objection to go; and I told him, that even if I was to go for a hundred miles, I would go without any interest.

What are you to be paid for coming here? As to the pay I cannot tell, because when I told to the advocate I told him that, provided they gave something to my family, I for that lady (her royal highness) would go to the end of the world.

Do you mean to say, that you do not expect to be paid any thing for coming here, for your loss of time? Hear me: if they will take care of my family I would have no expectation in regard to myself, provided they took care of my family; and I would go to any place.

What were they to give your family? The sum is that they give a livre to my wife, and half a livre for each of my children, daughters.

Do you mean a livre a day? Yes.

Do you swear that that is all you are to receive, or expect to receive, for coming here? This is for the assistance of my family; as to the rest, to myself, if they will give me something I will take it, if they do not give it to me, I have no claim, I do not expect it.

Will you swear you have made no agreement with any person for your own remuneration for coming here? Yes, this I can swear to, because I have made no agreement whatever; but as there are some people who have some claims, so I can have also some claims.

Then you are to be understood to say your have some hopes of being remunerated for coming here? I have told you I have no hope, for, for that lady (her royal highness), on account of the benefits she has done me, I would go to the end of the world.

You stated, when you were here last, that when Rastelli came to the Villa Pergami, he came together with the son of the head-master; what is the name of that person, the son of the head-master, who came with Rastelli to the Villa Pergami? Antonio Giarolini?

Is not Antonio Giarolini an architect, as his father is? He is more clever than his father.

Did not young Giarolini, upon that occasion, take a plan of the house? Yes, they made a little drawing, or design.

Did not young Giarolini, upon that occasion, make the drawing or plan? Yes, when Giarolini came to the Barona, with Demont and Rastelli and other persons, there was Giarolini up-stairs, and they made this drawing or plan.

Did young Giarolini go away with them, after they had made the plan? No; the others went away in a carriage, and Giarolini and Rastelli went out by another door; and when they were there, they began to leap for joy, and to congratulate each other.

You say you have lived at the Barona for so many years; do you remember, when her royal highness was there with Pergami, any dances being given at the Villa Pergami? Yes, I remember them.

Do you know a person of the name of Antongina? He was the tenant of the parish, of the whole place.

What is the extent of the Villa Pergami, and the land belonging to it? I do not know precisely.

The question is not precisely, but about what extent? It is an estate of 1000 pertica, all this house is about half a pertica.

How many acres? How am I to know that; I cannot know it.

You have stated you know the person Antongina, has not he a great many daughters? He has 18 children between males and females.

Did his daughters use to be present at those balls? They came one evening, when her royal highness had expressed a wish to see all that family, coming from one father and one mother.

What other persons used to be present at those balls, do you know? They were all people well brought up from their father, well brought up from their mother, well brought up; and when they were there, the father always was present for the good order.

The question does not refer to Antongina; but were there not many persons from the neighbourhood, of a low situation in life? There were other girls, but they were all well brought up people.

The question is, in what situation of life were they, not whether they were well or ill brought up? All gentlefolks.

Both male and female? Yes; this Antongina, we should call him a gentleman, and the others that came were all gentlefolks.

Do you know a person called Maria Galletti? Perhaps she may have come there.

Who is Maria Galletti? I do not know her positively.

Does not she keep the public-house called the St. Christopher? You must have mistaken the name; it is not Maria Galletti.

What is the name of the landlady of the St. Christopher? Rosina.

How long has she lived there? She has been landlady a long time.

Has she not been at those balls? Yes, she came, but because she had been brought by those other girls; but she is a respectable woman, she is not a prostitute, *(Trappola.)*

Is she one of those persons whom you describe as the gentlefolks who used to frequent those balls? Yes, she came, and came only once, this Rosina.

Is she one of those persons that you describe as gentlefolks, who came to the ball? She was the mother of another girl who was used to go there; she was the mistress of this inn, called the St. Christopher.

Is there another inn at the Barona, besides the St. Christopher? There is.

Who keeps that? Pergami is the master.

Who keeps the house, who conducts it? The innkeper is there.

What is his name? Giovanni Angelo Donnarini; it is now the son, but before it was the father, and he was called Antonio.

Did his wife and her sister use to go to those balls? They came only once.

What is the wife's sister? She has no sisters; Donnarini has married a woman who has no sisters, who was an only daughter.

Do you know a person of the name of Battista, who lives at the Barona, a blacksmith? No, there is no Battista.

What is the blacksmith's name at the Barona? Antonio Manni.

Were he and his family at those balls at any time? No; first of all he has no daughters, and he has only three sons.

Was he at the balls, or either of his sons? No, I never saw any of them.

You have stated that you are a carpenter; do you remember at any time having occasion to do any work to a door up-stairs at the Barona? Yes, to work; I have made all the doors, I have even worked at the house of the tenant.

Do you remember, upon one occasion, your going up stairs to mend a door at the Barona? How am I to remember that? I went up-stairs a hundred times, now to mend one thing, then to mend another.

Do you remember when you were mending a door up-stairs seeing her royal highness any where? No, in that time I have not seen her; I have seen her down stairs in the hall; up-stairs, I have seen her in other places, but when I was mending a door I never saw her.

Did you ever see the princess in any room up-stairs? I have seen her in her own room.

Was it at the time you were mending a door that you saw the princess in her own room? No, it was when I carried up-stairs a chest of drawers, which had been put out of order.

Where was it you saw the princess upon that occasion? In her own room, when I was carrying that thing up-stairs.

Was Pergami with her? No, I have not seen him.

Will you swear you did not see Pergami upon that occasion, in the princess's bed-room? Yes, I can swear before God for this?

Did you at any other time see Pergami in the princess's bed-room? I never saw him there, never.

Have you never stated that you saw him and the princess in her bed-room? How can I tell such a thing, when I never saw him.

You are not asked whether you ever saw it, but whether you ever stated that you had seen the princess and Pergami in a bed-room together? I have told you that I know nothing at all of this affair.

Will you swear you have never said that you saw the princess and Pergami together in her bed-room? Yes, I can swear even before God, that I never saw them in her own room.

You are not asked whether you ever saw them, but whether you have ever said that you saw them? I have said nothing of this business before; it was not me who went up-stairs, for I have always had four or five men under me to work.

Have you not said, that you did go up-stairs on one occasion with a chest of drawers? I have said that I went once up-stairs in her room, to mend this chest of drawers, because the drawers wanted mending.

Upon that occasion was it that you saw the princess in her bed-room? Yes.

Have you never said that upon that, or some other occasion, you saw the princess and Pergami together in her bed-room? How many times must I say the same thing; I have said, that I can swear that I never saw Pergami in the room of the princess, in the bed-room of the princess.

You are not asked whether you saw the princess and Pergami, but whether you ever said you had seen the princess and Pergami together in the bed-room? I never said, nor have I seen it.

Do you know the wife of the Baron Pergami? I do.

Have you ever seen her at the Villa Pergami? Yes, before I set out she was there.

Before you set out for England? Yes.

Did you see the little Victorine at the Villa Pergami when you saw

the wife there? No, the little Victorine was not at home; she was at school.

Where was she at school, do you know? I do not know the place.

You said, that many gentlefolks went to the ball of the Villa Pergami; state the names of any of the gentlefolks whom you have seen there? I cannot mention them.

Can you mention any of the ladies? I might mention Marianna Donnarini, I might mention Giuseppa Donnarini; and there may be other persons who, if they were before my eyes, I might recollect their names.

Who is Marianna Donnarini, and where does she live? At the Barona.

Who is she; is she a lady living upon her fortune? A girl well brought up, and the flower of gentlefolks.

Is she not the daughter of the man who keeps one of the inns at the Barona? Yes, she is the daughter of Antonio.

EXAMINED BY THE LORDS.

Was any proposition made to you to give evidence against the queen, and by whom? No.

Did any person speak to you upon the subject of giving evidence against the queen? There is Rastelli, as I mentioned the other day.

Did Rastelli say to you, that Demont either had received, or was to receive a large reward for giving evidence against the queen?

The following extract was read from the former evidence of the witness:

"I asked him whether Demont was still in the service of her royal highness; he told me that she was; he did not mention to me her name on the day he was taking the drawing, but he mentioned it on the second day, and told me that she had made a good day's work; we were there at the inn, and we drank together.

"*(Mr. Cohen.)*—He has added these words, 'and that she, Demont, had gained a great sum.'"

The question was withdrawn.

Do you expect you shall be paid more or less, in proportion as your evidence may be more or less favourable to the queen? I have no hope; but I only say that if they give me I will take it; but I have no hope.

The witness was directed to withdraw.

The counsel were asked, whether the witness they proposed now to call was with reference to Rastelli?

The Attorney-General of the Queen stated, in reference to what passed on Saturday, that he was not at present prepared to state what course he should pursue with regard to the general case; but that he was for the present proceeding with evidence to prove how the case against her majesty had been prepared.

Bonfiglio Omati was examined by Mr. Wilde:

Were you clerk to the advocate Codazzi, at Milan? Yes

Was Codazzi concerned as a professional agent for her royal highness the Princess of Wales? He was.

Do you know the advocate Vimercati? I do.

Had you at any time any communication with Vimercati respecting the Princess of Wales's papers in Codazzi's custody? I had.

Did you in that communication explain to Vimercati your reason for coming to him? Because there was a person who had conducted me as far as his door.

Did you state that to Vimercati? I did not.

Did you state to Vimercati any thing which had passed between you and that person who had so brought you to Vimercati's door? The moment he saw me he knew me, and told me to bring him the papers belonging to her royal highness.

Did he offer you any inducement to bring those papers?

Mr. Solicitor-General objected to any evidence of conversation between the witness and Vimercati.

Mr. Wilde supported the question as perfectly admissible. What he proposed by this witness to prove was, that Vimercati and Col. Brown, or the former with the sanction of the latter, had offered to the witness a valuable consideration, to purloin from the professional law agent of the Princess of Wales, the papers connected with her defence. He submitted, with confidence, that the queen could not be shut out from showing this fact, as well as other facts exhibiting the atrocious conduct of these agents in their true colours.

Mr. Brougham followed on the same side, and submitted, that unless he was allowed to show the flagitious manner in which this conspiracy had been got up, it was in vain for him to attempt to defend his illustrious client.

The Solicitor-General was heard in reply, and at half-past four the house adjourned.

THIRTY-FOURTH DAY,—TUESDAY, OCT. 17.

The proceedings of this day turned entirely upon the subornation of witnesses.

The Lord Chancellor stated, that a question which had been put on the preceding day, by the counsel on the behalf of the queen, had been objected to by the counsel for the bill. The question might be represented to their lordships thus:—Whether a certain person of the name of Vimercati, in order to induce other persons to come forward as witnesses, or to furnish testimony against the party accused by the bill, had not offered a corrupt inducement for that purpose? In stating his opinion upon the immediate question, he should be extremely sorry to assume that which had been stated by the counsel who raised the objection—namely, that Vimercati, being

only the professional agent to the Milan commission, his acts could in nowise affect the proceedings of that commission. Looking at the evidence, he conceived that there was sufficient proof apparent that Vimercati was, in fact, an agent of the Milan commission; for, if there was not absolute proof of his being an agent, he could not say that there was not proof to make him be considered as such. Upon this understanding of the case, he wished to have the opinion of the learned judges, and he would therefore propose a question for their decision—one which he conceived to be absolutely necessary for his own and their lordships' guidance—that they should know what would be the law and the course of proceeding upon a similar case in the courts below, taking the case to be one which had already proved Vimercati to be an agent of the Milan commision; and considering the fact that he had not been called or examined, and assuming what need not be questioned, that he had offered temptations to witnesses to appear: supposing also that no proof could be made out that any of the witnesses who had been examined for the prosecution had been corrupted, in such a case could evidence be admitted to show that any attempt had been made to corrupt the witnesses who appeared for the defence?

These questions being, after a long and warm discussion, proposed to the judges, their lordships withdrew, and, on their return, prayed for an allowance of further time to consider the said questions. Leave was granted till the following morning.

THIRTY-FIFTH DAY,—WEDNESDAY, OCT. 18.

The court being formed, and the counsel called in,

Granville Sharp, Esq. was again called in, and further examined by the Lords:

It has been stated to the house that you are desirous of making some correction in your evidence, with respect to a person or persons stated to have been present at a dance at Calcutta, is that so? It is.

Be so good as to state what the correction is? In the evidence I lately gave before your lordships, I stated that the Bishop of Calcutta was present at an eastern dance; since that time I have seen a private memorandum, made by a person who was present upon that occasion, made about the time, which leads me to believe that the bishop himself was not present, though it confirms other parts of my statement.

Have you any reason to suppose that you made any mistake with respect to the other persons stated to be present on that occasion? I have no reason to doubt; in fact, it is confirmed by the memorandum that the other persons were present.

Are you correct in your recollection, and are you now of opinion that the bishop was not present? My memory is strongly impressed that the bishop was present, but I consider the written document more to be depended upon than my memory.

The witness was directed to withdraw.

The Attorney-General of the Queen requested permission to put in two letters, one of his late majesty and the other of his present majesty,* both of which he had stated in opening the defence of her majesty, and requested that the Earl of Liverpool might look at them, to identify the hand-writing.

The Earl of Liverpool was accordingly sworn at the table by the Lord Chancellor; but Mr. Solicitor-General expressing his willingness to admit the hand-writing of the letters respectively,

The said letters were marked by the clerk-assistant.

Then *Samuel Inman* was examined by their Lordships:

What paper have you got there? A certificate of the servitude of Wm. Carrington in his majesty's navy.

Are the entries taken from the original books? I have extracted this from the books of his majesty's ships therein specified.

Those are faithful extracts? These are faithful extracts from those books, made by myself; I have the books here from which this is taken.

The Solicitor-General of the Queen, having seen the paper, stated that it did not occur to him to put any question upon it.

The same was delivered in.

[The certificate shews that William Carrington was borne on the books of his majesty's ships, Manly (gun-vessel,) Railleur, Majestic, Poictiers, and Thisbe, the place where born, age at time of entry in each ship, qualities (gunner's-mate, quarter-master, and midshipman) and cause of discharge, as being five years, twelve months, two weeks, and six days.]

After a short time, the learned judges being returned; the Lord Chief Justice of the King's Bench delivered the unanimous opinion of the judges upon the first and second questions, severally in the negative; and gave his reasons as follows:

Lord Chief Justice Abbot.—My lords, the judges conferred together for some time yesterday, upon the questions proposed to them by your lordships; and afterwards

---

* Both these letters are addressed to her Royal Highness the Princess of Wales:—the one dated Windsor-castle, April 30, 1796, and the other November 18, 1804. Vide p. 65-66.

separated in order to consider them apart, and met again early this morning, and again conferred together upon them. All of us then agreed in the answers to be given to the questions proposed to us, and I having read to my learned brothers the writing which I had prepared as containing my own sentiments and answer, it was found that they concurred therein; and I have their authority, with your lordships' permission, to deliver what I had written, (which your lordships will observe is in the singular number, being originally prepared as my own alone,) as containing and expressing their sentiments also.

My lords, the first question proposed by your lordships is in these words: "If, in the trial of an indictment for a capital offence, or any crime, evidence had been given upon a cross-examination of witnesses examined in chief in support thereof, from which it appeared that A. B., not examined as a witness, had been employed by the party preferring the indictment as an agent to procure and examine evidence and witnesses in support of the indictment, and the party indicted should propose, in the course of the defence, to examine C. D. as a witness to prove that A. B. had offered a bribe to E. F. in order to induce him to give testimony touching the matter in the indictment, E. F. not being a witness examined in support of the indictment, or examined before it was so proposed to examine C. D., would the courts below, according to their usage and practice, allow C. D. to be examined for the purpose aforesaid, or could such witness, according to law, be so examined, if the counsel employed in support of the prosecution objected to such examination?"

My lords, the question thus proposed by your lordships to the judges must be admitted by all persons to be a question of great importance, as it regards the administration of justice; and it is to me a question entirely new, and of very difficult solution. I have considered it with all the attention due to a question proposed by your lordships, and with an anxiety proportioned to the importance of the question itself; and it is not without much diffidence that I now offer to your lordships the result of my deliberation. Your lordships will allow me here to interpose an observation, and to say, that the diffidence I felt at the moment of writing has been considerably decreased by the knowledge I now have, that my opinion and sentiments have received the concurrence of my learned brothers.

The question must, as it appears to me, be considered in the same mode, and must receive the same answer, as if the

parties were reversed; as if, instead of proof offered on the behalf of a defendant respecting the act of an agent employed by the prosecutor, it were proof offered in reply on the part of the prosecutor, respecting the conduct of an agent employed by the accused to procure and examine evidence and witnesses in support of his defence. If such proof can be received on the part of a defendant, it must be received on the ground that it may lead to a legitimate inference and conclusion, that the witnesses examined against him, although not appearing to have been called before the court by any undue means, are nevertheless, on this ground extraneous and foreign to them, not to be considered as the witnesses of truth. And if such an inference and conclusion can be reasonably and legitimately drawn in favour of a defendant, in the case proposed by your lordships, I am unable to discover any principle upon which I may say that the like conclusion may not be with equal reason drawn against him in the analogous case, that I have taken the liberty to suggest; so that proof of this nature, if admissible, must be expected to lead as frequently to the condemnation of an innocent man by casting discredit upon his defence, as to the acquittal of such a person by disgracing the prosecution; and this consideration enables me to contemplate the question proposed with more calmness than I should be able to view a question, of which the determination might possibly by the exclusion of his evidence lead to the condemnation of an innocent person, but could in no case produce the same consequence by the exclusion of evidence against him.

The question proposed by your lordships regards the act of "a person employed by the party preferring an indictment as an agent, to procure and examine evidence and witnesses in support of the indictment;" and it regards the act of that agent, addressed to a person not examined as a witness in support of the indictment, and the offered proof not apparently connecting itself with any particular matter deposed by the witnesses who have been examined in support of the indictment, and leaving, therefore, those witnesses unaffected by the proposed proof, otherwise than by way of inference and conclusion; and this question may be considered as it regards the prosecutor or party preferring the indictment, and as it regards the witnesses.

The prosecutor has by the hypothesis employed a person as an agent to procure and examine evidence and witnesses. This is a lawful employment, necessary in many cases, in some meritorious, in none disgraceful or improper, if we look either to the employer or to the person employed; and being

a lawful employment, it is to be presumed, until the contrary be shewn, that the employer means and intends that his agent shall execute it by lawful means; and as, according to the general rules and principles of law, a person is not to be affected in interest or fame by any act of another, although that other may have been in his employment or confidence as an agent or otherwise, excepting such acts only as either are in their own nature, or may by extrinsic evidence be shewn to be within the scope of the authority given by him, and which may, therefore, be considered as his acts performed by the hand, or his declarations uttered by the tongue, of his appointed substitute, it would be contrary to those general rules and principles, to allow a prosecutor, and through him the prosecution that he has instituted, to be disgraced by the act supposed in your lordships' question, without some further proof affecting him, than the terms of that question suggest. It is perfectly consistent with the matters of fact contained in your lordship's question, that the prosecutor may, up to the very moment when the proof is offered, be wholly ignorant of the wicked act of his agent; it is no less consistent that, having been informed of the act, he may have rejected it with indignation, and have repudiated the proffered testimony, and withholden the witness from the court; and if he be absent from the trial, which frequently happens, it may be impossible to prove his ignorance in the one case, or the propriety of his conduct in the other.

With regard to the witnesses, my lords, which is the most important part of this consideration, (because if false witnesses are produced against a person, it is of little consequence to him by what particular procurement they may have been produced,) it is to be considered whether a legitimate inference and conclusion can be drawn against their credit and veracity from the proof proposed. The proposed proof does not directly affect them, it regards an act to which, according to the hypothesis, they may be entire strangers, and, being an unlawful act, they are not to be presumed to have been parties to it, or to any other act of the like nature, without proof against them; they may be persons of honour and probity, deposing to facts really and truly occurring within their own personal knowledge, and taking place within their own sight or hearing, as they have averred upon their oath. It may have been intended, that the person to whom the bribe was offered, should speak to other facts, occurring at another time, and in another place, wholly unconnected with them, or with the matters to which they have deposed; can it then be reasonably concluded, that the facts deposed

by them are untrue; that, however respectable or numerous they may be, they must be all wicked and perjured men, because some other man has, from over-weening zeal or a corrupt heart, wickedly endeavoured to seduce by money another person to give evidence, touching the matter of that indictment on which they have appeared. I must say, my lords, that I am of opinion, that such conclusion cannot reasonably be drawn, either in the case proposed in your lordships' question, or in that analagous case which I have taken the liberty to adduce. The utmost effect, in my opinion, of the proposed proof, and, in many cases, even this would not be a fair or reasonable effect, would be to excite suspicion; but suspicion is not a legitimate ground for the verdict of a jury, which ought only to be founded upon reasonable and probable proof. For these reasons, I think your lordships' first question must be answered in the negative.

This, my lords, is the opinion which, after much consideration, I have formed upon the question proposed by the house. That question is couched in the most general and abstract terms; and your lordships must be aware of the difficulty that may often occur in forming an opinion upon a question of such a nature, applied not to a matter of abstract science, but to a matter connected with the business and affairs of men. Few cases occur in the practical administration of justice, wherein a judge does not find some help toward a right decision of a questionable point in antecedent or accompanying facts and circumstances appearing before him, and is not guided in his application of general principles to the individual case by the particulars of that case itself. The question, as proposed by your lordships, does not contain any such aid or guide; I mention not this, my lords, by way of complaint against the question, but by way of excuse for the imperfection of my answer to it; and I must beg leave to add, that, notwithstanding the opinion I have delivered on the questions proposed, I am by no means prepared to say, that in no case, and under no circumstances, appearing at a trial, it might not be fit and proper for a judge to allow proof of this nature to be submitted to the consideration of a jury; and the inclination of every judge is to admit, rather than to exclude, the offered proof.

II. The same reasons which have induced me to answer your lordships' first question in the negative, lead me to answer the second question also in the negative.—The question is in these words, "If in the trial of an indictment for a capital offence, or other crime, evidence had been given upon the cross-examination of witnesses examined in chief in sup-

port thereof, from which it appeared that A. B., not examined as a witness, had been employed by the party preferring the indictment as an agent to procure and to examine evidence and witnesses in support of the indictment, and the party indicted should propose, in the course of the defence, to examine G. H. as a witness to prove that A. B. had offered him a bribe to induce him to bring to him papers belonging to the party indicted, G. H. not having been examined as a witness in support of the indictment, would the courts below, according to their usage and practice, allow G. H. to be examined for the purpose aforesaid; or could such witness, according to law, be so examined, if the counsel employed in support of the prosecution objected to such examination."

In answer to this question, my lords, I must also take leave to add, as another ground of objection to the proof proposed in the question, that it does not thereby appear what was the nature of the papers alluded to, or what the motive of the party endeavouring to obtain them; for any thing that can be inferred from that question, the papers might be unconnected with the subject of the prosecution, and relate wholly to some other and different matter.

Then the Lord-Chief-Justice of the King's Bench delivered the unanimous opinion of the learned judges to the first part of the third question in the affirmative; and to the latter part of the same in the affirmative also, with a qualification, and gave their reasons as follow:

The third question proposed by your lordsdips is "supposing that according to the rules of law, evidence of a conspiracy against a defendant for any indictable offence ought not to be admitted to convict or criminate him, unless as it may apply to himself, or to an agent employed by him, may not general evidence, nevertheless, of the existence of the conspiracy charged upon the record, be received in the first instance, though it cannot affect such defendant unless brought home to him, or to an agent employed by him; and whether the same rule would apply if a defendant sought by such general evidence in the first instance to affect the prosecutor with a conspiracy to suborn witnesses for the destruction of his defence."

My lords, we understand the first part of this third question to relate to a prosecution for some crime, the proof whereof is supposed to consist wholly or in part of evidence of a conspiracy entered into by the party then indicted and under trial, so that the conspiracy is to be given in evidence against him; and the latter part of the question regards the case of a person indicted for some crime, and seeking to

defend himself against that indictment by proving a conspiracy to suborn witnesses against him; and the points of inquiry in both parts regard only the order and course of adducing the proof before the court; and so understanding this question, we have no hesitation as to answering the first part of it in the affirmative. We are of opinion, that on a prosecution for a crime to be proved by conspiracy, general evidence of an existing conspiracy may in the first instance be received as a preliminary step to that more particular evidence by which it is to be shown, that the individual defendants were guilty participators in such conspiracy. This is often necessary to render the particular evidence intelligible, and to shew the true meaning and character of the acts of the individual defendants, and on that account, we presume, it is permitted. But it is to be observed, that in such cases the general nature of the whole evidence intended to be adduced is previously opened to the court, whereby the judge is enabled to form an opinion as to the probability of affecting the individual defendants by particular proof, applicable to them, and connecting them with the general evidence of the alleged conspiracy; and if upon such opening it should appear manifest that no particular proof, sufficient to affect the defendants, is intended to be adduced, it would become the duty of the judge to stop the case *in limine*, and not to allow the general evidence to be received, which, even if attended with no other bad effect, such as exciting an unreasonable prejudice, would certainly be a useless waste of time.

As to the second part of the question, my lords, we understand it to be here assumed, that the supposed conspiracy to suborn witnesses against the accused is a legitimate ground of defence, and that your lordships do not ask the opinion of the judges upon that point, and therefore upon that point we do not presume to offer any thing to your lordships; and considering this latter part of the proposed question, like the first part, to regard only the order and course of adducing the proof, we should give the same answer, in the affirmative, with this qualification only, namely, that the proposed evidence should, in some way, be previously opened to the court, as in the case of a prosecution to be proved by conspiracy, in order to enable the judge to form an opinion as to the probability of bringing the evidence home so as to affect some person, whose acts are material and relevant to the issue in the indictment then under trial.

Then Mr. Attorney-General stated, that having discharged that which he felt to be his duty, by taking an objection to that which he did not consider to be evidence in the courts of law,

he begged now to state, that, personally, he waved all objection to this inquiry, and that he left the matter entirely to their lordships, reserving to himself, and to the gentlemen* whose conduct might come into question, an opportunity of producing evidence, in case a primâ facie case should be made against them.

The counsel were informed that the question objected to might be put.

Bonfiglio Omati was further examined by Mr. Wilde:

The evidence of the witness on the preceding Monday was read over, and the witness was asked,

You have stated that Vimercati told you to bring the papers belonging to her royal highness, did he offer you any inducement to bring those papers? He told me that he would give me an employment, and he would give me more emolument than my own employer.

Did he state the nature of the employment he would give you? In the police of Milan.

Did you do any thing in consequence of your communication with Vimercati with any papers of her royal highness? On the following day I brought him some.

Did Vimercati say any thing to you as to the time at which you were to go to his office? He told me to call in the evening, after sunsetting.

Did you on any other occasion take any papers of her royal highness to Vimercati? I did.

On how many occasions did you take papers from Codazzi, and carry them to Vimercati? Seven or eight times at the utmost.

Did Vimercati know, when you took those papers to him, that you were a clerk in the office of Codazzi? He knew it certainly.

At whose request did you take them? I do not know the man.

Had you any conversation with Vimercati about your taking them? He told me to bring to him those papers I could get.

Did you receive any thing from Vimercati for taking those papers to him? Money.

How often did you receive money from Vimercati for taking to him her royal highness's papers? Six times.

Were you satisfied with the money that you got from Vimercati? I was not.

Did you ever make any complaints to Colonel Browne that Vimercati had not paid you money enough for taking papers from your master to Vimercati? I complained once.

What did Colonel Browne say to you on making those complaints? He told me he was a friend to the advocate Vimercati, and that I ought not to doubt that he, Vimercati, would perform his promise.

Did you, in consequence of your communication with Colonel Browne, make any further application to Vimercati for any more money? Colonel Browne told me to call again on the following day on advocate Vimercati, who would give me something.

Did you call on Vimercati? I did.

Did you receive any more money from him? I did.

Where does Vimercati live at Milan? He lives in the street of the Crucifisso.

---

* The Milan Commissioners.

SIR JOHN LEECH,

Vice Chancellor

Sketched by A. W[illegible] *& Engraved by* [illegible]

London Published by Thos Kelly 17 *Paternoster Row Mar*[illegible]

Name the other place at which he lived, when you took papers to him? The first time he was living in the street Ruga Bella, and then he went to dwell in the street of Crucifisso.

Where did Colonel Browne live at the time you applied to him? Below the bridge of the Eastern-gate *(Porta Orientale.)* I do not know the number.

Do you know to what subject the papers you took to Vimercati related? I know the subject of some of them.

State to what subject those related of which you knew the contents? One was a deposition of a femme de chambre *(cameriera)*, who had been sent to Vienna together with Sacchi.

Were there any examinations of witnesses? Not among the letters; they were letters of her royal highness and the baron and others.

What other papers were there besides the letters? There were some copies of the advocate Codazzi, who had answered.

Answers to what? The answers of Codazzi to Pergami.

What was the subject of those letters; were they on the subject of this inquiry? The advocate Vimercati told me to bring to him those letters which treated of depositions; that is, which desired somebody to come and give evidence.

Did you, in point of fact, carry papers relating to that subject to Vimercati? Letters, not papers.

Do you know a man of the name of Riganti? I do.

Did Riganti ever make any application to you about papers? He has been at my house to ask for them.

Did you tell Vimercati of Riganti's application for papers? I did.

What did Vimercati say upon the subject of Riganti's application for papers? I did not know Riganti, and I asked Vimercati who he was, and he told me that he was a person of character, and that I might give him any papers.

What did Riganti ask you to do with the papers you have spoken of? To give them to him, and he would give me a great deal—much.

What papers did Riganti wish you to give to him? Papers respecting the affairs of her royal highness.

What affairs of her royal highness? Those which are now in England.

Did Riganti know in whose employ you were? He knew it, for he came to my house. Riganti came after me, and asked for the secretary of Codazzi, for I was the secretary of Codazzi.

When did you first disclose to Codazzi that you had taken those papers? On the 27th of July, 1820.

Do you mean to say this was the first time you told Codazzi of the circumstance? It was.

You have said that you do not know the number of Colonel Browne's house; describe the house, and what premises are about it, whether it is a private house, or a shop, or what? It is a house,—there is a shop on both sides of the door.

What sort of shop, what goods are sold in the shops on either side? On the left, there is a tailor's, and on the right, a dealer in alabaster.

What business does Riganti carry on? He sells tobacco and salt.

Can you state whether there are any shops next to Riganti's house? There are.

What are they? I do not know, for I pass seldom that way.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

How long have you lived with Codazzi? A year and a half.

Have you acted as his clerk all that time? Always, till the 27th of July.

Did Codazzi turn you out of his service on the 27th of July? He did.

Have you ever been in his employment since? No.

Do you mean to swear, that from the 27th of July down to the present time, you have never been in the employ of Codazzi? I can swear it a thousand times.

With whom did you come over to this country? With the Chevalier Vassali.

Did you come over alone with Vassali, or whom else? There was another person.

Who was that other person? A certain Lago Maggiore.

After you had left the service of Codazzi, did you enter into the service of the Chevalier Vassali? I did not.

Did you not come over to this country as a servant of Vassali? I did not come in the service of Vassali.

When was it you first saw Vimercati? September the last year.

Did you know Vimercati before? I did.

Did you go to Vimercati of your own accord, or what led you to go to him? The employer with whom I was before had some money due to him.

When you went to Vimercati's, in the month of September, did you go of your own accord, or what led you to go there? There was a person who urged me twice to go, and then that person took me himself there.

Did that person tell you what you were to go to Vimercati for? He told me that I ought to go, because he wished to speak to me, and I should be made a gentleman if I went.

Did he tell you how you were to be made a gentleman if you went? He told me so much, he told me no more; he told me that he would take me.

Did you know, at that time, Vimercati was employed at all in the process about her Royal Highness the Princess of Wales? When I went I knew it.

Do you mean to say you did not know it until you saw Vimercati; did you not know it at the time when you saw this person? I knew it.

Was Codazzi at that time employed for her royal highness? He was not employed on the affairs of her royal highness in England, but for the affairs that her royal highness had in Italy.

Did you know that Codazzi was in possession of papers belonging to her royal highness? I had them in my own writing-table.

Did you not then immediately, as an honest man, communicate to your master, Codazzi, that you had received this message to go to Vimercati? I did not.

Do you not conceive it to be your duty to do so? I thought that I could produce no prejudice, no mischief, no harm.

Do you mean to say, that you thought you could do no harm in delivering over to Vimercati papers belonging to her royal highness; the letters and other documents you have mentioned? Documents I did not give, I gave letters.

Do you mean to say, that you thought you could do no harm in handing over letters of her royal highness to Vimercati, without the consent of your master Codazzi? Yes, I thought to do no harm

Did you not think it your duty to tell your master Codazzi, in order that he might judge for himself, whether or not it would do harm? I did not tell him.

Do you mean to say, that you did not think it was your duty to communicate this to your master? I thought it was my duty, but I neglected it.

Have the goodness to tell us who this person was that called upon you twice, in the manner you have described? I do not know the person; if I knew him I would tell.

Where did you see him the first time? In the street of San Vittore, near the theatre.

Did you meet him by accident? By accident; I did not know him, nor do I know him; he stopped me.

When he told you to go to Vimercati, you being the servant of Codazzi, did you not ask him what his name was, and who he was? I asked him, and he told me that it was no business of mine to know it.

When was it that you saw him the second time? On the following day.

Did you meet him by accident the second day? Yes, in the same place, in the same street.

Did you meet him by accident the second day? Yes, I was coming from the office.

Was it the same hour the second day? The same hour.

Did he repeat the same question to you the second time? He asked me also, whether I had thought upon what he told me the day before.

What did you tell him in answer to that? That I had thought upon it, and I would not go.

Did you meet him a third time? No, I went then, this second time.

After telling him you would not go, you, in point of fact did go? Yes.

Did you ask him his name the second time, when he urged you so much to go? He would not tell me even then; I asked him.

Did you go alone, or did you go with him? He took me as far as his door.

Have you ever seen this man at any time since? I have seen him since, but I could not see him clearly in the face.

Had you no curiosity or wish to know who he was? If I could have known it, certainly.

Did you follow him for that purpose, when you met him the third time, or any of the former times? On the second time.

Where did you follow him to, the second time? As far as the door of advocate Vimercati he took me, and then he went away.

Had you any papers in your pocket at that time? On the following day I brought the papers; then I had none.

Did you ever meet this man by accident again? I did meet him, but I could not see him in the face.

Did you speak to him? I did not see him in the face; I could not speak to him.

Was he a young man or an old man? Middle-aged.

Of what complexion, light or dark? Black hair.

A stout man, or how? A little stout.

How was he dressed? I am not a painter, to draw his picture.

How was he dressed? I do not remember, I do not know.

Do you mean by that, that you do not know, or that you do not remember? I do not remember how he was dressed; he was in a coat, but I do not remember the colour of the coat.

Has any body told you that when you came here to be examined at the bar, you were to be careful not to say "Non mi ricordo?" I have

heard it said about the town; and I have asked what was this "Non mi ricordo."

Has not Chevalier Vassali told you to be particularly careful not to say "Non mi ricordo?" No; he told me nothing; nobody has told me any thing.

Has nobody told you that you ought to be careful, to say rather "Non mi sovviene," or "Non so?" I know it by myself, without being told by any body.

Did Vimercati pay you any thing for the papers you delivered the first time? He gave me three double golden Napoleons, and he told me that they were for me to take chocolate.

When was it that you carried the second parcel of papers to Vimercati? After the month of September.

Tell us, as nearly as you can, how long it was after the first parcel was delivered, that you carried the second parcel? Three or four days.

What did Vimercati pay you for the second parcel? Four single Napoleons.

When was it you carried the third parcel? In the month of October.

Did you get paid for the third parcel? He paid me at another time.

When was it you carried the fourth parcel? I carried him papers as far as the latter end of November.

When was it you carried him papers the fourth time? I do not remember whether it was in the month of October or November.

Did you carry many papers? Some letters.

Having carried those papers from time to time during this long period, and having been paid by Vimercati, did you ever communicate the circumstance to your master? I never said any thing to Codazzi.

Do you mean to say, that from the month of September to the month of July in the following year, Codazzi never spoke about those papers to you? Never.

Did Codazzi never miss any of those papers? No.

You have said that those papers were left in your charge and custody, were you a confidential clerk of Codazzi? Confidential clerk.

Being the confidential clerk of Codazzi, did you not think you were acting a most infamous part in selling his letters to the advocate Vimercati? Not at the beginning.

As the beginning was in September, 1819, how long was it before this light broke in upon your understanding?

The Solicitor-General of the Queen objected to the question.

You have stated, that you did not at first consider that this conduct was most infamous; when was it you did first discover, if you ever did discover, that this conduct was most base and infamous? About the beginning of this year.

Was it a discovery of your own, about the commencement of the present year, that your conduct was base and infamous, or were you told it by any other person? There are many who act basely and infamously, but then afterwards they repent, and so have I.

You having discovered, at the commencement of the present year, that this conduct was base and infamous, did you not think it your duty to communicate it to Codazzi? I thought it better to be silent.

You have told us, that at the beginning of the year it was that you repented, when was it that you carried the last parcel of papers to Vimer-

cati? I do not remember whether it was in the end of November or the beginning of December.

Is it to be understood that you never carried any papers after the end of November, or the beginning of December, to Vimercati? Before I swear, allow me to think a little; in the month of July, when I went to ask about the name of the person who had called at my house, he asked me about the list of the persons who came in favour of her royal highness, and I gave him the list.

Did you call on Vimercati in the month of July last? Yes, to tell him that this person had called.

Was that the same person whom you had before met by accident in the street, that called upon you? No, the first person I did not know; but the person who came in the month of July was Riganti.

Did you give any papers at that time? I gave him a list of the persons who were going to set out.

Do you mean to say, that that was a list of the witnesses that were to set out on behalf of her royal highness? They were not all witnesses, I did not give the list of all the witnesses.

Are you to be understood to say, you did not communicate to Codazzi that you had given this list? I did not tell this.

Having repented of what you had done as early as the beginning of the year, you afterwards in July delivered to Vimercati a list of the witnesses coming on behalf of the queen? They were five or six; I wrote them, I gave their names myself.

Did Vimercati pay you any thing for this last intelligence? No, I gave him this list to find out who was the person who had called at my house, this Riganti.

How long was it after you had delivered this list to the advocate Vimercati, that your master, Codazzi, knew of it? On the same day that I told it to the advocate Codazzi, on that same day I gave this list to the advocate Vimercati.

With the exception of this list of which you have now made mention, did you deliver any other papers to the advocate Vimercati after the month of December in the year 1819? No, except the list in the month of July.

Will you swear that positively at this moment? I will swear it a thousand times.

Did you after that offer any papers to Vimercati? I never called on Vimercati till Easter, when Col. Browne sent me.

You have told us that Vimercati paid you for those papers, did Vimercati pay you for those papers at the time when the papers were delivered? He did in the beginning, not afterwards.

When was it that Vimercati made you the last payment? When Col. Browne sent me, towards the end of March of this year.

How long before that period, the end of March, was it that you received any money from Vimercati? The end of November.

So that from the end of November to the end of March you never received any money from Vimercati? Nothing, I will swear it a hundred times.

What was the sum you last received from Vimercati at the end of March? Fifty-two livres and a half of Milan.

Did you ever, upon any occasion, state that you had received money from Vimercati for papers, in the month of February of this year? No, I never took any thing.

You are not asked whether you took any thing in the month of February, but whether you have never stated that you took any in the

month of February? I have not said it, and I never called; for from the beginning of December till the end of March, I never called.

Will you swear you have never said it? Yes, I swear it.

Did you not call on Col. Browne with a bundle of papers? I had two or three letters to make myself known.

Did you not introduce yourself to Col. Browne by taking a bundle of letters from your pocket, and asking Col. Browne whether he was not one of the commissioners appointed to inquire into the conduct of her royal highness? I called, and took out two or three letters.

Did you not deliver those letters to Col. Browne, saying, "Are you not one of the commissioners appointed to inquire into the conduct of her royal highness? I shewed him the letter to make myself known, and I complained of the advocate Vimercati, who, after having seduce me, had paid me little.

Having stated that, upon taking these letters out of your pocket, did you not ask Col. Browne, whether he was one of the commissioners employed to inquire into the conduct of her royal highness? Yes, I asked him so; but I knew it.

Did not Col. Browne ask you what your name was, and who you were? I made myself known, by telling him that I was the confidential clerk of the advocate Codazzi.

Did you tell Col, Browne, that you were the confidential clerk of Codazzi, when you first went into the room? At the first I asked him, whether he was Col. Browne, for I knew him not.

After you had asked him, whether he was Col. Browne, did not Col. Browne ask you who you was? He answered me yes; he did not ask who I was.

Will you swear that Col. Browne did not ask you who you were, and that you did not refuse to tell him? He did not ask me who I was, but I told him of myself.

Will you swear that Col. Browne did not ask you who you were, and that you did not refuse to tell him; upon which Col. Browne shut the door, and said, you should not leave the room without informing him (Col. Browne) who you were? I swear this not to be true.

In answer to a question put by Col. Browne, did you not say, you were clerk to the advocate Codazzi, and did not Col. Browne then give you back instantly the two letters you had delivered to him, and tell you he thought you a most infamous scoundrel, and that you would end by being hanged? He will be hanged, not I, for I have not said so.

In answer to a question put by Col. Browne, did you not say you were clerk to the advocate Codazzi, and did not Col. Browne then give you back instantly the two letters you had delivered to him, and tell you he thought you were a most infamous scoundrel, and that you would end by being hanged? I repeat again that it is not true; he gave me the letters, but he said no more; nay, he shut the door of the room in order that we should not be heard, and he told me not to speak so loud, because I complained of the advocate Vimercati; and he told me to call the next day on the advocate Vimercati, from whom he would cause me to receive 200 franks; this is what he told me, nothing else, and that the advocate Vimercati is a person of character, and that he would keep his promise.

Did he not, when he shut the door, say you should not go out of the room until you told him who you were? He is a liar if he says so.

Do you mean to swear that Col. Browne did not say so? Yes, I swear it; he told what I have just said.

Did not Col. Browne say you were a most infamous fellow at that meeting? I have repeated it many times, he did not say so.

Did he not say you would end by being hanged? He never told me so.

Did he say any thing to that effect? Nothing at all, for I had been seduced by them, and they are more infamous than I am.

Did you call on Col. Browne more than once? I called the first time in the morning, he was not at home; then after dinner I called and I found him, I have been twice.

Did you see him more than once? Afterwards I saw him many times through Milan.

Did you ever see him more than once at his own house? At his house only once.

When was that once that you saw him at his own house? About the end of March of this year.

What were the papers which you carried to Col. Browne at this time? Two or three letters.

Did not Vimercati ask you, the first time you called, who you were, and did you not refuse to tell? He did not ask me, because he knew me immediately, and because a person whom I did not know took me as far as to his door.

You mean to swear that Vimercati did not ask you who you were, and that you did not refuse to tell him who you were the first time? Yes, I swear it is not true.

Did you not live at that time upon the terrace of the Porta Tosa? No, I lived then at Contrada Larga.

Did you ever live at the Terragio di Porta Tosa? At present I live on the Terragio of Porta Tosa.

Having discovered for the first time in the month of January that your conduct was base and infamous, do you consider it infamous to say, on your oath, that which is untrue? To swear the truth is just, what is true I swear, and what I have stated I am ready to swear to.

Did you communicate those facts to Codazzi of your own motion? I told him on the 27th of July.

Upon your telling him on the 27th of July those facts, do you mean to swear that your master immediately dismissed you? Yes.

Whom have you been living with since, from that time down to the present? I am in trade; I buy and sell woollen cloth for dresses.

Do you swear that you have no expectation of returning into the service of Codazzi after this business is over? I swear it, because I am in trade.

Who brought you over here? Chevalier Vassali.

What are you to have for coming here? I will receive nothing; I came here to remedy the evil I had committed, and to tell the truth.

Do you mean to swear that nobody made you a promise of any thing for coming here? I swear it; they have promised me nothing.

Have you had any communication with Codazzi since you have been turned out of his service? No, because I went into the country.

Is Codazzi still employed for her royal highness? I do not know.

You mean to swear that you have neither seen nor had any communication with Codazzi since the month of July? I swear it a hundred thousand times.

Where do you carry on your trade? I carry it on at home; in Porta Tosa, in Milan.

How far from Codazzi's? Much distance; more than a mile.

Have you lived in Milan from the month of July down to the time of

your coming here? I always live at Milan, but from the month of July I have been a few days in the country.

You mean to swear, that though you have been in Milan during the whole of that time, Codazzi has not called upon you or seen you? I have seen him; I have bowed to him, and nothing else; but I have not spoken to him.

Where did you see him? On the Corso of the Porta Ticinese.

Was Codazzi still concerned for her royal highness when you left his service in July? He was.

Were you not examined at Milan before you came here? They have asked me a very few things.

Why was it they examined you? Because I had put in writing my deposition, and given it to Codazzi on the 27th of July.

Were you examined by Codazzi on the 27th of July? I, by my own accord, told him the whole story.

And Codazzi took it down in writing? I wrote it with my own hand.

Did not Codazzi at that time tell you, 'you must go out of my service now, and I will take you into my service again, for it will not do for you to be in my service till the process is over?' No, because in the office of Codazzi I got nothing, and I by my trade gain.

Did you leave the service of Codazzi in order that you might gain by your trade, or were you turned out of the office? He sent me away.

Did you know on the 27th of July that you should gain any thing by your trade? Yes, because I was still carrying on the trade whilst I was in the office of the advocate Codazzi.

How came you, carrying on trade, and getting money by it, to go into the office of Codazzi, and remain there for a year, where you say you got nothing? It was for the sake of learning to write well.

Will you swear now that you have no expectation of returning into the service of Codazzi? I have no expectation, I have no hope, because I am in trade, and that suits me better.

RE-EXAMINED BY MR. WILDE.

How old are you? Twenty-two years old.

You have been asked whether Colonel Browne told you you were an infamous fellow; was it after your interview with Colonel Browne that you received money from Vimercati? On the following day.

How much in the whole did you receive from Vimercati? Between three hundred and fifty and four hundred franks.

Filippo Pomi was re-examined by Mr. Tindal.

Do you know a person of the name of Riganti? I do.

Where does he live? On the bank of the Porta Ticinese.

What is he by trade? He sells tobacco, salt, liquors, brandy

Do you recollect his calling on you at any time? He did not call upon me; but when I went into his shop, he had always had something to say to me.

Upon that occasion, what did Riganti do? I went to buy salt, tobacco, or something; and he told me, for he knew I belonged to the Barona, 'Pomi, have you ever seen those jokes (schrzi) between the princess and Pergami? now is the time to come forward, to gain something, and to become a man.'

Did he say any thing more upon that occasion? He told me this; and I answered him, 'No, I have seen no scherzi;' and he replied, 'Oh, have you not seen Pergami put the princess on the back of the donkey, and put his hand under her petticoats?'

Did you make any answer to that? Yes, I told him that that was a perfect falsehood, for, instead of that, he paid her all possible respect and decency which was due to that great personage.

Was any thing more said? Yes, at other times, whenever I went to his shop; so that I was obliged never more to go to his shop, for he annoyed me so much.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

You are understood to say that Riganti never called upon you, but that this conversation took place when you went to Riganti's shop; is that so? Yes, it is positively so; I can swear it.

When was it that this conversation took place? When I went to buy something, either tobacco or salt, or something.

Can you tell the time, how long ago it was? I do not know precisely, it happened the last year; I do not know the time precisely.

About what time in the last year? He said so many times, and whenever I went to his shop he always said such annoyances; and he even went so far as to say, that he would wage war till death; that he would be against her till death; and then there were other persons present, there were five or six persons present.

Be good enough to name the names of those persons, or any of them, that were present when this conversation took place? I could name Antonio Birraghi who was present; I remember he was present, the others I cannot tell; I know them, but I do not know their names.

Who is Antonio Birraghi? He is a man who always frequented this shop, and lives in Milan.

Can you tell what he is? I do not know whether he is employed in the police, or whether he is employed somewhere else; I do not know precisely.

Antonio Birraghi heard this conversation as well as you? He did not speak to me directly, he spoke to all in general, to all those who were present, and this conversation he had not with me only.

This conversation was generally with the persons in his shop? Yes, with whomsoever was present.

You say you know some of the other persons, cannot you remember the names of some of the other persons besides Antonio Birraghi? It is impossible, for those names cannot be recollected, unless I had known that this affair should happen; then I should have paid more attention, and that would have more fixed them in my mind.

This sort of conversation, you state, took place frequently, when you went to Riganti's shop? Yes, about four or five times, as I have said; when I have heard those annoyances, so as I have said, I was obliged not to go any more to his shop to buy salt or tobacco, or anything else.

Did you go there to buy those things for yourself, or were they for the people at the Barona? For my own use, because I wanted them.

Was Birraghi present more than once, or only on one occasion? I cannot tell; he frequented the shop; he might have been there, or he might not have been there; for that once I remember that he was present.

Is what you have stated all that passed on those occasions; did you yourself say anything more than what you have stated? I can say

nothing more: I said that against that lady I can say nothing, for she is a just woman, and she is a charitable woman.

EXAMINED BY THE LORDS.

Were you yourself present at the balls at the Barona? Yes, I told it the other day that I was present.

Were your daughters there? No, because I had no daughters.

How came you to say, the other day, the sum that they gave was a livre to my wife, and half a livre for each of my children, daughters? I said figli and figlie, because my eldest son is nine years, and the others are under that age; I have daughters, but they are babies under nine years of age.

Antonio Mioni was examined by Mr. Williams.

From what place do you come? From Venice.

What business do you follow there? Before I was employed in the police; now I am a manager of a theatre.

Do you know a person of the name of Paolo Zancla? I do.

What is he? He is a manager of a theatre.

Were you acquainted with that man in the month of March, in the year 1818? I was.

Do you remember being at a theatre at Venice with that Zancla in that year? In the theatre of San Luca, in the month of November.

At that time do you remember Zancla receiving any number of letters, one or more? He received two letters at once.

Did you observe whether Zancla opened those letters or not? I saw him open them, and emotion or surprise after he had read them.

After that, did you and Zancla go together from Venice to Milan? We set out from Venice, and went to Milan.

How soon after the receipt of those letters? Five or six days, or seven days, thereabouts.

How did you go, by what conveyance? By a diligence led by Doria.

When you arrived at the place from whence the diligence set out, was there any money deposited there for the use of Zancla? On the following day that Zancla had received his letters, we went together to the place of the diligence, I saw Zancla receive fifteen golden Napoleons.

When you had arrived at Milan, do you remember going with Zancla to a house in the Porta Orientale? I remember that we went to the Porta Orientale, to look for the number 660.

Do you remember the adjoining houses on either side, can you describe them by the trades carried on by the people, or in any other manner? Before reaching the door of 660, there is a tailor's shop.

Is that an adjoining house on the one side? Yes.

Do you at all remember what is the description of the house on the other side? I have paid no attention to that; only I paid attention to the tailor's shop, because there we inquired after the number of the door.

Did Zancla go into that house, No. 660? He went in.

Did you go up, or remain below? I remained below.

How long Did Zancla remain away? About a quarter of an hour.

Did you wait for Zancla till he came down? Yes.

While you remained at Milan, do you remember going with Zancla to any other house? To the house of Vimercati, the advocate.

What is the street, do you remember? The street Ruga Bella.

Upon that occasion did Zancla go up-stairs? Zancla went into the house, and remained about an hour and a-half, but this happened on the following day.

At the end of the time you have mentioned, did Zancla join you again? Yes, and there was another man in company.

After that, did you and Zancla go again to any other house? To the house of Major Browne.

Do you know a Colonel Browne, as well as a Major Browne; do you know two persons of that name? No, I know one alone; I do not know whether he is a major or a colonel, I have not seen his brevet.

Do you know the person you call Major Browne? I saw him on the following day, on the Corso de Servi, where he met Zancla, and bowed to him, and Zancla told me he was Major Browne.

Did you at that time observe whether Zancla and the major, or the colonel, spoke to each other? They did not speak to each other; they bowed to each other, and each went their own way.

What was the street in which Major Browne lived? At the Porta Orientale.

Was the house of which you are speaking, to which you went upon this occasion with Zancla, No. 660, Porta Orientale? Yes, it was.

Upon this latter occasion that has been spoken of, did Zancla go up-stairs? On the evening when we arrived do you mean? Yes, he went up-stairs.

Did you go up-stairs with him? I remained below.

How long did Zancla remain above? A quarter of an hour.

When he came down again, did you see whether he had any thing with him? He had a handful of double gold Napoleons.

To the best of your judgment and recollection, how many double Napoleons might there have been? He told me eighty; but at seeing them, I believe there must be as many.

Did they in fact appear as many as that? They appeared to be really eighty.

Do you mean eighty pieces, or forty pieces of double Napoleons? Eighty double Napoleons.

What did he say to you at that time?

Mr. Attorney-General objected to the question.

The witness was directed to withdraw.

Mr. Williams was heard in support of the question.

Mr. Tindal was heard on the same side.

Mr. Attorney-General was heard in reply.

The counsel were directed to withdraw, and the House adjourned.

THIRTY-SIXTH DAY,—THURSDAY, OCT. 19.

The Lord Chancellor informed the counsel for the queen, that the question proposed yesterday could not, in the present stage of the proceeding, be put.

Mr. Brougham submitted that the objection was founded on a misconception. They had never said that they had a right to ask questions of Mioni, with the view of proving what Browne had said to Zancla. The question, put with a view to show that Zancla himself was a principal in the conspiracy, and what he did as a conspirator, had not been decided upon by their lordships.

The Attorney and Solicitor-General persisted in considering this as a re-opening of the question which had been decided yesterday, and in urging further objections.

Earl Grey considered the question decided yesterday to be different from that now proposed. Their lordships were now given to understand that the learned counsel had evidence to prove Zancla a conspirator; to which point they wished to call witnesses, which they had a right to do in order to prove the general conspiracy. It seemed to him undoubtedly that this was a new point, and that, in consequence of the decision of the judges, the counsel for the defence were entitled to go on with their case.

The Earl of Liverpool was of opinion that as counsel had not made conspiracy a part of the opening case, it could not properly be introduced now, and a new case opened.

Lord Erskine denied that a counsel was limited by his opening speech as to the proof of a conspiracy. It might only come to his knowledge a moment before he had concluded his defence. Was he then to be excluded from the proof of it merely because the guilt of the prosecutor was not known till late in the proceeding? The question was, in his opinion, one which ought to be put; and if the learned counsel were prevented from doing this, he would put it as a peer, and their lordships might overrule it if they pleased.

The Earl of Lauderdale thought some rule ought to be laid down to prevent a debate being raised by counsel on the admissibility of a question, before the question was put.

The Earl of Darnley, after moving that the answer of the judges to the question referred to them yesterday, should be read, expressed his total dissent from the doctrine of the Earl of Liverpool. He contended it was utterly impossible to go on with that extraordinary and unprecedented proceeding with any hope of doing justice if the counsel were to be precluded

from bringing forward any evidence which they might think essential, although it had not been stated in the opening.

The Lord Chancellor expressed his regret at having mistaken Mr. Williams, and entered into rather an elaborate and not a very clear view of the subject, apparently in order to intimate his own dissent from the decision of the House yesterday, that evidence of "what was called this conspiracy, should be heard." He now understood it to be the object of the learned counsel to prove that the witness had himself been concerned in the alleged conspiracy, and this, he apprehended, they were at liberty to do.

Then Mr. Williams, of counsel for her majesty, stated, that he was about to examine to declarations of Zancla, affecting himself; and was heard to open the nature of the proof he proposed to give.

The counsel were informed that the witness might be recalled, and that they might propose a question which might then become the subject of discussion.

Then *Antonio Mioni* was further examined by Mr. Williams.

The following extract was read from the evidence of the witness yesterday:

'How long did Zancla remain above? A quarter of an hour.

'When he came down again, did you see whether he had any thing with him? He had a handful of double gold Napoleons.

'To the best of your judgment and recollection, how many double Napoleons might there have been? He told me eighty; but at seeing them I believe there might be as many.

'Did they, in fact, appear as many as that? They appeared to be really eighty.

'Do you mean eighty pieces, or forty pieces of double Napoleons? Eighty double Napoleons.

'What did he say to you at that time?'

Then the witness was asked,

What did he say upon that occasion?

Mr. Attorney-General objected to the question, and submitted that there was no proof of Zancla being a conspirator, or of a conspiracy being formed, which could justify the putting the present question.

The witness was directed to withdraw.

Mr. Solicitor-General was heard in support of the objection.

Mr. Williams was heard in support of the question.

The Attorney-General of the Queen was heard on the same side.

Mr. Attorney-General was heard in reply.

The counsel were directed to withdraw.

The Earl of Donoughmore urged their lordships not to admit this question to be put. He deprecated the cry of conspiracy which had been raised, and perpetually rang in their ears for five days. He professed that his mind would not be diverted by the cry of conspiracy, however frequent, and however loud, in doors and out of doors.

Lord Erskine could not agree with his noble friend, that no evidence could be given of a conspiracy in this case; the contrary had been decided by their lordships, and the learned judges had given an opinion upon the admissibility of general evidence to prove a conspiracy. He could not agree too with the learned counsel, that the existence of a conspiracy must first be proved, when the very object of the evidence offered was to prove that existence. If they objected to the evidence before the conspiracy was proved, it would be impossible ever to prove a conspiracy. But the difficulty he felt was this: Zancla was not a witness; he was not proved to be an agent; there was no act of his connected with the evidence in support of the bill. Zancla was not, in any view, sufficiently connected with the case to admit evidence of his sayings and acts. His opinion was, therefore, that the question could not be put.

After some observations from the Lord Chancellor, Lord Redesdale, and Earl Grey,

The counsel were again called in, and were informed, that the question cannot now be put.

The witness was again called in, and asked,

Mr. Williams.—You stated yesterday that you went with Zancla from Venice to Milan? I did.

Did you return to Venice with Zancla? Yes, but before, I went to Mantua with him.

Did you leave Milan with him, did you go from Milan together? I left Milan together with Zancla.

How many days were you at Milan? Two days.

What is the distance from Venice to Milan? About 185 miles.

Did you pay your own expenses, or did any one pay them for you? I did not pay even one hundredth part (*centesimo*), Zancla paid for the whole.

Had you any business of your own at Milan? None.

Had Zancla any business in his profession of a stage manager, to your knowledge, at Milan? None, only for this object.

What do you mean by this object?

Mr. Attorney-General objected to the question, if his knowledge arose from the declaration of Zancla.

The counsel were informed that they might ask whether the witness knows, otherwise than from the declaration of Zancla, what his object was.

Mr. Williams.—Did you see him transact any business of any kind, except going to the house in the Porta Orientale and the street Ruga Bella; did you see him do any other business but that? He went also to look after a broker, or under manager of a theatre (*sensale*), together with a person of the name of Coniberti.

Did you see him do this; did you go with him to this place, or was it only what he told you? We found him at the coffee-house.

Whom? Zancla and I went; we went to the coffee-house at Milan.

You recollect stating yesterday, that you saw Zancla come down with a number of Napoleons in his hand? Yes.

At that time did he make you any offer?

Mr. Attorney-General objected to the question.

The Attorney-General of the Queen stated, that if the late decision was understood to apply to this, he would not press the question.

The counsel were informed, that the late decision was considered as applying to this.

The Attorney-General of the Queen requested to know, whether this decision was supposed to apply to any other evidence which might be offered as to attempts to bribe or corrupt.

The counsel were informed, that it was infinitely too dangerous to lay down rules applying to cases which might arise, that the house would decide on each case as it arose.

The Attorney-General of the Queen stated, that he could not bring the matter nearer to the Milan commissioners, or the agents for this bill, in consequence of the absence of Rastelli, and that in consequence he must, for the present, relinquish calling several of his witnesses.

The counsel were informed, that the late decision having been communicated to them, it must be left to the discretion of counsel whether they would call further witnesses, and submit further questions, and that the house would decide on such questions when they were proposed.

EXAMINED BY THE LORDS.

The *Earl of Lauderdale.*—When you saw the Napoleons in Zancla's hand, were they loose, or in a bag, or in paper? He had a hand thus full, and he has a large hand.

Had you any concern with the theatre at Pesaro? Never.

The *Earl of Carnarvon.*—Do you know whether Zancla was ever in the princess's service? I do not know

---

Domenico Salvadore was examined by the Solicitor-General of the Queen:

What countryman are you? Of Treviso.

What business or profession do you follow? The profession of literature, both Italian and Latin.

Where do you live? At Lausanne, in Switzerland.

Were you at Morge in December, 1817? I was in the year 1818

Did you see Sacchi there? I saw him in that year.

Did Sacchi hold any conversation with you on the subject of the process against her royal highness? He did.

Did he give any counsel to you upon that subject, or make any application to you?

Mr. Attorney-General objected to the question, unless it was pointed out to what part of the testimony of Sacchi this was intended as a contradiction.

The Solicitor-General of the Queen referred to the following parts of the evidence of Sacchi in the printed minutes, and stated, that he proposed to prove an application, by Sacchi, to this witness, to give evidence against her royal highness, stating that persons who gave evidence against her would make their fortune, and that if he (the witness) would give evidence against her he also would make his fortune:

"Were you ever at Colombier? I have.

"How long have you been at Morge and Colombier at a time? About six weeks.

"Did you let it be known by every body there that you were in that neighbourhood, or did you conceal yourself? I made myself known to all.

"Under what name did you go there? By my own proper name, Sacchi.

"Had you not money in your name at a banker's at Lausanne? I had.

"How much had you there in your name? Fifty louis.

"Will you swear you had not more than that at one time at that banker's? I had no more than those 50 louis.

"Will you swear you never had a credit which empowered you to draw upon that banker for a larger sum than that? I never had.

"Have you never represented that you had a larger sum or a greater credit? I do not remember to have said so.

"But you will not swear that you have not said so? I cannot swear when I am in doubt.

"Did you not fetch a certain Mademoiselle Demont from Switzerland to Milan? I did.

"Did you bring her back? I did not.

"But you went to prevail upon her to go to Milan, did you not? Not to prevail upon her, but to ask her whether she would go or not.

"Who employed you to fetch her, or to procure her attendance? I was desired by the commission at Milan.

"Did you tell any person in Switzerland that Demont was gone back, or going back, to return into her royal highness's service? Never.

"Whom did you come over, yourself, to this country with? A courier, called Mr. Krous, and my servant.

"Is that Mr. Krous the person who was lately arrested at Paris on a charge of having dealt in forged notes? I never heard speak of that.

"Did Mr. Krous come over with you to London or remain in Paris? He came with me over to London.

"Is Mr. Krous a regular messenger, one of the king's messengers, or only employed on the Milan commission business? I do not know.

"Have you made any other journies with Mr. Krous? I have not
"How much money did you get by the Milan commission for your trouble, while you were at Milan? I have received no other sum, except for the expenses of the journey that I made to go to Lausanne and return, and for another journey which I took to Scharnitz and returned."

Now, it was on that journey to Lausanne that he intended to prove this application was made; and he should prove that on the journey to Scharnitz, Sacchi was an agent of the Milan commission.

Mr. Parke was heard in support of the objection.

The Solicitor-General of the Queen was heard in support of the question.

The counsel for her majesty were asked, Whether the whole of the evidence upon which they relied to prove Sacchi an agent, was contained in that part of the printed minutes which had been read, and were informed, that if he was an agent, what he had done as an agent might be admitted; that if it was meant to affect him as a witness, the question arose whether he should not have been asked to that fact; and that if that was the view in which the evidence was offered, Sacchi might be called back, as another witness had been, for the purpose of being asked the question.

The Solicitor-General of the Queen referred to the following parts of Mad. Demont's evidence in the printed minutes, as proof of the agency of Sacchi:

"Where did you go to then? From Switzerland here into England.
"Who desired you to go to Milan, in order to be examined? M. Sacchi came to seek for me, on the part of the commission.
"Who is M. Sacchi? An Italian gentleman, &c.
"What is he besides a gentleman? I do not know what he is; he was a soldier, but I don't know where he is at present; he was an officer.
"Did you know of his being an officer? Yes, &c.
"Had he also been in the service of the princess, had he? Yes.
"When he came for you he was no longer in the service of the princess? No.
"And at that time he was in the service of the Milan commission, was he? I do not know in what service he was.
"Employed by them? I know that he came to seek for me, or fetch me, but I do not know whether he was employed otherwise."

These were the only parts of Mad. Demont's evidence wherein the agency of Sacchi was spoken of

Mr. Parke was heard in reply.

The counsel were informed that the question might be put.

Mr. Solicitor-General requested to know whether he was to consider that the question was permitted to be put, on

the ground of Sacchi being an agent, or by way of contradiction to him.

The counsel were informed that the house considered the question of the admissibility or non-admissibility of the question proposed, as sufficiently argued upon the ground of the imputed agency of Sacchi; but that the house is willing and desirous that they should state any other grounds of the admissibility of this testimony, and any other grounds of objection to its admissibility, which they may think proper for the consideration of the house.

Mr. Attorney-General was heard in support of the objection, and submitted that the question could not be put with a view to affecting the credit of Sacchi, Sacchi not having been asked to the facts, and this evidence then offered in contradiction to his testimony.

Mr. Parke was heard on the same side.

The Attorney-General of the Queen was heard in support of the question, and submitted that it was admissible, as applying to the conduct of the witness in this particular cause.

The Solicitor-General of the Queen was heard on the same side.

Mr. Parke was heard in reply.

The Attorney-General of the Queen was heard to observe upon a case newly cited by Mr. Parke in his reply.

The counsel were asked whether they had any objection to Sacchi being first called, and asked to the conversation referred to.

The Attorney-General of the Queen stated, that he had no objection, if Sacchi was in a situation to be now produced.

Questions were proposed to the learned judges, which were delivered to the Lord Chief Justice, and the learned judges requesting leave to withdraw to consider the same, leave was accordingly granted till the following morning ten o'clock.

Adjourned.

THIRTY-SEVENTH DAY,—FRIDAY, OCT. 20.

The Marquis of Lansdown moved, that the order of the house of the 21st of August, 1820, requiring the attendance of the witnesses from day to day should be read. It appeared, that when it was yesterday proposed, and assented to by the counsel, that Sacchi should be immediately called up, he was not to be found. To this was to be attributed the

delay that had occurred, the reference of questions to the judges, and the long discussion that took place. On this ground he had thought it necessary to call their lordships' attention to the strict enforcement, in future, of the order they had made respecting the attendance of the witnesses.

The Earl of Liverpool denied that Sacchi was absent from town.

After some observation from various lords, another order was made, directing that the witnesses should, in future, be kept in attendance *de die in diem.*

The counsel were then called.

The Lord Chief Justice of the King's Bench delivered the unanimous opinion and answer of the learned judges to both the questions propounded to them, severally, in the negative, and gave their reasons.

Lord Chief Justice Abbott.—My lords, the learned judges have considered the questions proposed to them by your lordships. The first of those questions, my lords, is, "Whether, according to the practice and usage of the courts below, and according to law, where a witness in support of a prosecution has been examined in chief, and has not been asked in cross-examination as to any declarations made by him, or acts done by him, to procure persons corruptly to give evidence in support of the prosecution, it would be competent to the party accused to examine witnesses in his defence, to prove such declaration or acts, without first calling back such witness examined in chief, to be examined or cross-examined as to the fact, whether he ever made such declarations, or did such acts."

The second question, my lords, is as follows: "Whether if, on any trial in any court below, a witness is called on the part of a plaintiff or prosecutor, and gives evidence against the defendant in such cause, and if, after the cross-examination of such witness by the defendant's counsel, they discover that the witness so examined has corrupted, or endeavoured to corrupt, another person to give false testimony on such cause; the counsel for such defendant may not be permitted to give evidence of such corrupt act of such witness without calling back such witness."

My lords, the only material distinction between the two questions appears to be this, viz., that in the latter of the two, the supposed misconduct of the witness is assumed to have been discovered after his cross-examination. In the courts below, wherein causes usually begin and end at one sitting, subsequent discoveries rarely occur in the progress of a trial; the parties on each side are expected to come at the com-

mencement, duly prepared with all the proof that may be relevant to the matter at issue, and with nothing more; and we think the only effect of a subsequent discovery would be, to allow the witness to be called back for further cross-examination, if still within reach, which may be done upon that or other reasonable ground. And we are of opinion, that, according to the usage and practice of the courts below, and according to law, as administered in those courts, the proposed proof cannot be adduced without a previous cross-examination of the witness as to the matter thereof.

The legitimate object of the proposed proof is to discredit the witness. Now the usual practice of the courts below, and a practice to which we are not aware of any exception, is this: If it be intended to bring the credit of any witness into question, by proof of anything that he may have said or declared touching the cause, the witness is first asked, upon cross-examination, whether or no he has said or declared that which is intended to be proved. If the witness admits the words or declaration imputed to him, the proof on the other side becomes unnecessary, and the witness has an opportunity of giving such reason, explanation, or exculpation, of his conduct, if any there may be, as the particular circumstances of the transaction may happen to furnish: and thus the whole matter is brought before the court at once, which, in our opinion, is the most convenient course. If the witness denies the words or declaration imputed to him, the adverse party has an opportunity afterwards of contending, that the matter of the speech or declaration is such, as that he is not to be bound by the answer of the witness, but may contradict and falsify it; and, if it be found to be such, his proof in contradiction will be received at the proper season. If the witness declines to give any answer to the questions proposed to him by reason of the tendency thereof to criminate himself, and the court is of opinion, that he cannot be compelled to answer, the adverse party has, in this instance also, his subsequent opportunitunity of tendering his proof of the matter, which is received, if by law it ought to be received. But the possibility that the witness may decline to answer the question, affords no sufficient reason for not giving him the opportunity of answering, and of offering such explanatory or exculpatory matter as I have before alluded to; and it is, in our opinion, of great importance, that this opportunity should be thus afforded, not only for the purpose already mentioned, but because, if not given in the first instance, it may be wholly lost; for a witness, who has been examined, and has no reason to suppose that his further

attendance is requisite, often departs the court, and may not be found or brought back until the trial be at an end. So that, if evidence of this sort could be adduced on the sudden and by surprise, without any previous intimation to the witness, or to the party producing him, great injustice might be done, and, in our opinion, not unfrequently would be done, both to the witness and to the party, and this not only in the case of a witness called by a plaintiff or prosecutor, but equally so in the case of a witness called by a defendant; and one of the great objects of the course of proceeding established in our courts, is the prevention of surprise, as far as practicable, upon any person who may appear therein.

The questions proposed by your lordships comprise not only declarations made by a witness, but also, in the language of the first of those questions, "Acts done by him to procure persons corruptly to give evidence in support of the prosecution," and in the language of the latter question, a discovery "that the witness has corrupted, or endeavoured to corrupt, another person to give false testimony in such cause."

My lords, we understand the acts thus mentioned to be acts occurring in the ordinary mode and usual course, wherein such transactions are proved in common experience to take place; because, we presume, if the questions had related to an act done in an extraordinary and unusual manner, our attention would have been directed to the special mode and circumstances of the act, by the frame and language of the questions. Now such acts of corruption are ordinarily accomplished by words and speeches; an offer of money or other benefit derives its entire character from the purpose for which it is made; and this purpose is notified and explained by words, so that an inquiry into the act of corruption will usually be, both in form and effect, an inquiry as to the words spoken by the supposed corruptor; and words spoken for such a purpose do, in our opinion, fall within the same rule and principle with regard to the course of proceeding in our courts, as words spoken for any other purpose; and we do not, therefore, perceive any solid distinction, with regard to this point, between the declarations and the acts mentioned in the questions proposed to us. It will be obvious, that the observations regarding convenience and inconvenience, which we have taken the liberty to offer to your lordships, as a proof of words, are alike applicable to the proof of acts. Nice and subtle distinctions are avoided in our courts as much as possible, especially in matters of practice, on account of the delay, confusion, and uncertainty, to which

such distinctions naturally lead. For these reasons, my lords, we have thought ourselves called upon to answer both questions wholly in the negative.

Then the counsel for her majesty were asked whether they had any objection to having Sacchi called, to be asked, in the first instance, to his declarations.

The Attorney-General of the Queen stated, that he was yesterday desirous of his being called, if he could have been called immediately; but that he had then stated it was otherwise, if he could not be called till a future day.

Mr. Attorney-General was asked whether Sacchi was in a situation to be called now.

Mr. Attorney-General stated that he was in attendance.

The counsel for her majesty were asked whether, Sacchi being now in attendance, they wished that he should be examined.

The Attorney-General of the Queen submitted, that he had laid a sufficient ground for putting the question, without Sacchi being called.

The following extract from the evidence of Domenico Salvadore yesterday, was read:

'Did Sacchi hold any conversation with you on the subject of the process against her royal highness? He did.

'Did he give any counsel to you upon that subject, or make any application to you?'

The counsel were directed to withdraw.

The Lord Chancellor wished to know whether it was their lordships' pleasure that the last question should be put. He himself concurred in the opinion given by the judges.

Earl Grey thought such a degree of connexion between Sacchi and the Milan commission had been proved as to let in this evidence; and, on that account, he now moved that the question be put.

The Earl of Liverpool denied the proof of general agency, and opposed the motion.

Lord Erskine supported the motion. It was the duty of an assembly, situated as their lordships were, to inquire to what extent subornation had been carried.

The Earl of Darnley thought agency sufficiently proved, and would vote for the motion.

Lord Manners spoke against, and the Marquis of Lansdown in favour of the motion.

After a few observations from the Lord Chancellor, the house divided:—contents, 51—non-contents, 159. Majority, 108—against putting the question.

The counsel were again called in, and were informed,

that it is the opinion of the house that the question cannot now be put.

The Attorney-General of the Queen stated that the Solicitor-General of the Queen had no further questions to put to this witness, considering the decision to apply to all acts of corruption; but that he begged to submit that there was a distinction between a case in the courts below between A. and B., or between a prosecutor and a defendant, and a legislative measure, like that before their lordships, where there are no two parties, technically speaking, before the court, and that the opinion expressed by the learned judges upon the last question, as he submitted, was not applicable to a bill; for that they rested a part of their opinion upon this consideration, that a witness, if not cross-examined to the point on which he is afterwards meant to be contradicted, might depart the court, an event which could not happen here, because all the witnesses were in constant attendance upon the house, from the beginning to the end of the proceeding, by virtue of an order of the house; that this was an illustration of his position, that that might be applicable as between A. and B., or between prosecutor and defendant, which was not applicable to a legislative measure similar to that now before their lordships.

The counsel being directed to proceed, the Attorney-General of the Queen stated that he had now closed this head of his case, and was about to proceed to another subject.

The counsel were directed to withdraw.

The Marquis of Lansdown moved 'that Mr. Powell be called to the bar, and ordered to produce such parts of the correspondence between him and Colonel Browne as related to the sending of Rastelli out of the country, and to the preventing of his return.'

The Earl of Liverpool was adverse to the motion, on the ground of its being an exposure of confidential correspondence. If their lordships were of opinion that it should be produced at all, he certainly should prefer a secret committee.

After a discussion of some length, in which several noble lords took a part, the motion of the Marquis of Lansdown was withdrawn, and the question put upon the following motion substituted by Earl Grey, 'That Mr. Powell do attend their lordships' bar, with extracts, sealed up, from such parts of his correspondence with Colonel Browne as related to Rastelli's mission to Milan.'

Upon a division, the numbers were, for the motion, 122—against it, 79. Majority in favour of the motion, 43.

The committee were then nominated.

The counsel were again called in.

The Attorney-General of the Queen submitted, that it became his duty, and a matter of necessity, to make an application on behalf of her majesty, with respect to an inquiry, in which the counsel were allowed to bear a part on Friday and Saturday last, which applied to a material witness of the name of Rastelli; that an agent for the prosecution, who appeared to be the person who sent the witness out of the way, was examined, in the course of which examination the house were pleased to direct, that the counsel for and against the bill should have permission to put certain questions to the witness, on the subject matter of the inquiry into his conduct; that the counsel thereby necessarily became parties to the proceeding; that it became necessary for him now to ask for the assistance of their lordships to investigate that obstruction by which they were impeded, by the production of the whole correspondence either to the house or to a committee of the same, and that the counsel for the queen, who had been allowed to take a part in the examination of Mr. Powell, or some of them, should be permitted to take a part in his further examination upon this subject.

The counsel were directed to withdraw.

The Earl of Carnarvon, the Marquis of Lansdown, Lord Holland, and the Earl of Darnley strongly contended for the propriety of acceding to the request of the counsel. The latter said, that, if their lordships should refuse this application, he would exercise his privilege as a peer, and put questions to Mr. Powell on this subject when he came to the bar with the papers.

The motion for acceding to the request of the counsel was negatived without a division.

The counsel were again called in, and were informed, that it is not the pleasure of the house that Mr. Powell should now be called in.

The Attorney-General of the Queen stated, that he would now proceed to another part of the case, understanding it to be open to him to resume his application as to taking a part in the examination when it was determined that Mr. Powell should be called.

TWENTY-FOURTH WITNESS.

Colonel *Alessandro Olivieri* was examined as follows by Mr. Tindal.

Were you ever in the service of the viceroy of Italy? I have been.

What rank did you hold in the army? My last was colonel of cavalry.

Did you serve in the campaign of Russia? I did.

Were you taken prisoner there? Yes.

When did you return from Russia? On the 18th of February 1815.

Were you afterwards in the French army? Yes.

What rank did you hold in that army? Colonel.

When were you first introduced to her royal highness the princess of Wales? In the month of November 1816, whilst she was at the Villa d'Este, at Como.

Who introduced you to her royal highness? Baron Cavaletti.

Do you recollect afterwards seeing her royal highness at Rome? I do.

When was that? In the year 1817, when she came to Rome and remained there two months.

Do you recollect the month? I think in the beginning of June.

Did her royal highness at that time give you any invitation to visit her? Often, many times; she did me the honour to admit me at her table.

Did she at any time invite you to visit her at her villa of Pesaro? She invited me in the month of November.

Did you pay her a visit at that time? Yes, I paid her a visit on the 11th of November.

Was her royal highness at that time living at the Villa Caprili? She was.

Was any proposition made to you to join her royal highness's suite? There was.

In what situation were you to join in that suite? As one attached to her court.

Were you to receive any pension or salary for that service? Yes.

How long did you serve in that capacity? I continued so till the 4th of November of the following year.

That would be the year 1818? Yes.

Did you then receive any other appointment under her royal highness? I had the honour of being appointed her chamberlain

Were you sole chamberlain, or jointly with some other person? There were others; but at court there was nobody else except Bartolomeo Pergami and myself.

How long did you remain in the situation of joint chamberlain? Till last February.

Do you receive at this time any pension or salary from her majesty? I do not.

Have you received any since the time when you left her service? No.

Are you a married man? I am.

Have you any family? A daughter.

Where do your wife and daughter live? At Rome

Were they, at any time whilst you were in the service of her royal highness, at Pesaro with you? Never.

Are you living with them at present when you are at home? I am.

Do you recollect her royal highness being at Rome at the beginning of August 1817? She at that time set out from Rome.

For what place did she set out from Rome? She set out for Bologna, but I know that she went to Sinigaglia.

Did you sup with her royal highness the evening before she set out, or the evening of her setting out? I had that honour.

At what time in the evening or night did she set out on her journey? About midnight

Did you hand her royal highness into her carriage? I had also that honour.

Into what carriage, what kind of carriage, did you hand her? It is what we call in Italian carettina, a landaulet, an English carriage.

Besides her royal highness, who got into the same carriage? Countess Oldi and the chamberlain Pergami.

Do you remember a little child of the party?

(The witness answered before the question was translated.) And the child Victorine.

Do you remember whether Mr. Vassali was upon that journey? I do.

Was Mr. Hownam also on the journey? Yes.

Did you see them in their carriages? I saw them, and bowed to them.

Have you ever since travelled yourself in the same carriage in which her royal highness travelled that night? I have travelled, but not on that occasion.

Have you often used the carriage since? Sometimes.

Do you know the carriage very well? Yes, I know it.

Do you know who rode as courier from Rome upon that occasion? I saw Carlo Forti set out as courier.

During the time that you were joint chamberlain with Pergami, what were the manners and conduct of Pergami towards her royal highness? The conduct of a respectful servant.

Did you ever see any thing improper or indecorous in his conduct towards her? Never.

When her royal highness was at Rome, who were the persons who visited her? Very many persons of the first nobility.

Can you name them, or any of them? Cardinal Gonsalvi, Cardinal Ruffo, Cardinal Vidoni, Cardinal Cacciapiatti; I cannot remember, they are so many, besides ladies; the Princess Ghigi.

Do you remember the Baroness Aniajani? She was one of the dames d'honneur of her royal highness.

By whom was she appointed? I believe the government.

Did you ever see her royal highness in the company of his holiness the Pope? No.

Do you know the Duchesse Togarello? I do not.

Do you know the Prince and Princess Gabrielli? I do.

The Duchess of Bracciano? I do.

Did she also visit at her royal highness's? Many times.

At the time these visits were paid, was Pergami in the company of her royal highness as chamberlain? He was.

What society did her royal highness keep at Pesaro, who visited her there? The whole of the first nobility of Pesaro.

Do you recollect the governor? I do.

Is there an Archbishop Briolo? Yes; but he was the Archbishop of Urbino.

Did he, upon any occasion, about the time you are speaking of, visit her royal highness? Not at Pesaro, but at Urbino, when her royal highness went there.

Do you know whether Pergami has been received at any of the houses of the persons you have mentioned, when her royal highness has not been in his company? I too have been present there many times.

Have you seen her royal highness, when walking, take the arm of any gentleman of her suite? I too have sometimes had this honour.

What was the conduct and demeanour of her royal highness towards the gentlemen of her suite generally? Affable, but at the same time dignified.

After her royal highness appeared in the morning, who generally attended her? All those who belonged to her court.

How did she generally pass her mornings? After having taken breakfast, she went generally to take an airing in the carriage, and then she went into her library, or wrote.

Who generally attended her royal highness upon those occasions? If you ask during the time her royal highness was at Rome, I cannot tell; but if you ask after the time I was in her service, then I will explain myself.

That is the time to which your attention is directed? I repeat, all the suite attended her.

During the time her royal highness was at Pesaro, did she enter into society? She had the society at her own house continually.

Was there company besides those of her own suite? Yes, sometimes there was somebody who came during that hour.

Do you know whether her royal highness ever used a carriage that had an apron to it, when she was at Pesaro? I never saw such a carriage; I never saw it.

Are you to be understood that you do not know whether her royal highness had such a carriage? I cannot say, because I have not seen it.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

What countryman are you? Of Tivoli; I was born at Tivoli, but I dwell at Rome.

Where were you living at the time you were first introduced to her royal highness? I was returning at that time from France to Rome.

How long had you been in France? Till the year 1816.

How long had you been in France at the time you were returning; how many years? I remained in France till the end of the year 1815, then I went to Milan, and then I went to Rome in the year 1816.

You left France at the latter end of the year 1815? Yes.

Were you in the army at the time you left France? No; when the army of the Loire was disbanded, I left the service.

How long did you remain at Milan, in your way to Rome? Till the month of November, 1816.

You remained at Milan from the end of November, 1815, till the end of November, 1816? I remained at Milan from the beginning of the year 1816, till some days in November.

Where were your family at that time living, at Milan or at Rome? Always at Rome.

What was the occasion of your staying so long at Milan at that time?

Because I had commanded a regiment; and because I had some accounts to settle with government.

Are you to be understood that you remained there during the period you have mentioned, for the purpose of settling your accounts? Some credits that I had towards government.

What regiment were you in when you were in the army of the Loire? In the army of the Loire, I was in the etat major of General Reillé.

Did you belong to a French regiment at that time? No, I belonged to the etat major of Gen. Reillé.

How long had you been upon the staff with Gen. Reillé? Till the army of the Loire was disbanded.

For how long before it was disbanded? From the retreat of the army, till it was disbanded.

For what period? After the battle of Waterloo, when the army retreated upon Paris.

How long before the battle of Waterloo had you been in the French service? I entered the service of France about that time; after I was released from being a prisoner in Russia, I went to France.

How long had you returned from Russia, before you entered into the French service again? From the 18th of February, as I have just stated.

In what year? 1815.

Were you in the service of the King of France before the return of Buonaparte? Never.

Did you not say you were in the French army in February, 1815? No.

What month in the year 1815 was it that you entered into the French service? I entered the French service in the month of May.

What regiment was it that you went to Milan to settle the accounts of? The dragoons of Napolean.

How long before the time of your return to Milan was it that you had served in that regiment? How could I go into the regiment before I went into Italy; the regiment itself had been raised in Italy; it is a question that I cannot understand.

What regiment is it that you went to Milan to settle the accounts of? When I went in the year 1814 the army of Italy had been disbanded; when I came from Russia the army of Italy had been disbanded; and I went to Milan on the 18th of February, and then passed to France.

Have you not stated that when you went to Milan, in the year 1816, you remained there for the purpose of settling some regimental accounts? Yes, because the Austrian government had established there an express commission charged with that.

Was it in the month of November, 1816, you were first introduced to her royal highness at Como? Yes.

How long have you known Pergami? I knew him then for the first time.

You stated that you afterwards saw her royal highness at Rome, was that the first time that you saw her royal highness after you had seen her at Como? This was the first time.

Where was it the proposition was made to you to join her royal highness's suite? It was at Pesaro, when I went there on the 11th of November, 1817.

Who made the proposition to you to join her royal highness's suite? Her royal highness caused it to be said to me by her chamberlain, Pergami.

Then it was Pergami made the proposition to you? By the order of her royal highness.

Was that what Pergami said to you at the time? Yes.

In what situation were you in her royal highness's suite, when you first joined it in consequence of that application? I want to know whether the question is applied to my family, or to the service of her royal highness.

The question refers to the situation you were in in her royal highness's suite, when you first joined it? I had no fixed employment then.

How long was it then before you became chamberlain? It was on the 4th of November of the following year, 1818.

Did you continue with her royal highness from the month of November, 1817, when the proposition was first made to you to join the suite till the following month of November, without any particular employment? Yes, without fixed employment.

How long did you continue her chamberlain? Till last February.

Where was it you quitted her royal highness's service? At Rome.

How long have you been in England? About two months, or two months and a half, or thereabouts.

Did you come to England alone, or in company with any other person? I came in company with Count Schiavini.

Do you live in her majesty's family now? Her majesty has done me the honour to permit my being in the house, but I do not form a part of the family.

Have you been in the house of her majesty ever since your arrival in England with Schiavini? On the following day that I arrived in England with Schiavini, her majesty sent for me, and had the kindness to make me lodge in her house.

Did Schiavini come with you from Rome? No, he came with me from Pesaro; I went through Pesaro to take him, and he came with me here.

When was it you went to Pesaro? When I came here.

Had you remained at Rome from the month of February, when you quitted her majesty's service, till the time you quitted it for Pesaro in your way here? Yes, in the country near Rome, on a small estate of my own.

Who paid the expenses of your journey to England? I believe it has been government, for I have been indemnified by the advocate of her majesty.

Whom do you mean by the advocate of her majesty? I cannot name them, because the Count Schiavini, who has received the money, has given me my share; but I know that the money has come from them.

The interpreter was asked whether the word 'avocato' meant merely an advocate, and answered, that it referred to any person who had to do with the law—an attorney, a counsel, and sometimes a judge.

Who was the person who applied to you to come to England? Nobody has spoken to me on the subject, but I thought it my duty to write to the queen when I heard that a process was making, as I saw from the newspaper of Lugano.

When did you see Pergami last? At Rome, when I left the service of her majesty.

Have you seen him since? No.

You said that Schiavini paid your expenses here, or let you have money to pay them; have you received any thing besides your expenses for coming here? Nothing.

How much was it that you received from Schiavini? Eighty-five pounds sterling.

How long or how often were you at Como, in the month of November, 1816? I was at Como once only.

You have been asked about her royal highness's setting out from Rome for Sinigaglia, and you have stated that Mr. Hownam and Vassali went upon that occasion, are you to be understood that they were in the same carriage? I have not said that I was on that journey.

You were understood to say, that you saw them set out? Yes, I did; they were in two separate carriages.

Who went besides Mr. Hownam and Vassali, what other persons? Those whom I have mentioned, and the two femmes de chambre of her royal highness, Mr. William Austin, Louis Pergami I think, and I remember no others.

Are those all that you recollect? Those I remember; I do not remember any others.

Was Schiavini one? Schiavini set out on the day after.

How many carriages accompanied her royal highness? I think two besides her own; two or three, but two I am certain of, I do not remember the third.

Do you know the courier Sacchi? I do.

Did you see Sacchi set out on that occasion? No.

Will you swear that Sacchi was not the courier upon that occasion, one of the couriers? I did not see him; I swear I did not see him; I saw Carlo Forti set out, and I did not see other couriers set out.

What time did Carlo Forti set out? Together with the carriages of her royal highness.

Do you mean from the Villa Brandi, or from whence? From the Villa Brandi.

How often have you seen Sacchi at the Villa Brandi? Almost every time that I had the honour of going to dine with her royal highness.

Was Sacchi at that time one of the couriers? I do not know whether he was a courier of her royal highness, for I saw him dressed as a hussar.

Do you remember afterwards, at Pesaro, Sacchi being an equerry of her royal highness? When I went to Pesaro Sacchi was no longer there; he had left the service of her royal highness.

You have mentioned that there was a lady of the name of the Baroness Aniajani, who was one of the ladies of honour of her royal highness at Rome; how long did she remain one of the ladies of honour of her royal highness? During the whole time her royal highness staid at Rome.

Do you mean at Rome, or at the Villa Brandi? At the Villa Brandi, which is within the city of Rome.

Did she live in the house? She came every morning, and remained there during the whole of the day; I saw her always there.

You have mentioned the names of several of the Italian nobility who visited her royal highness at Rome, can you mention the names of any English ladies who visited her royal highness at Rome? On the days that I went to dine there I do not remember to have seen any; I have seen some of the Roman nobility, but I do not recollect to have seen strangers.

At Pesaro did you ever see any English ladies? No, I did not.

Did Louis Pergami dine at the table of her royal highness? Sometimes he did.

Did he not always dine there when he was at Pesaro? I did not see him always.

Do you know Pergami's sister Faustina? I do.

Did she dine at her royal highness's table? Never.

The mother of Pergami, was she at Pesaro when you were there? She was there for a little time.

When she was there, did she dine with her royal highness? Almost never, for she was always ill.

Did she ever dine with her royal highness? Yes, sometimes.

Do you know the wife of Pergami? I do not.

You have never seen her at Pesaro? Never.

RE-EXAMINED BY MR. TINDAL.

You have been asked whether you ever saw the wife of Pergami at Pesaro, have you ever seen your own there? Never, she never came to Pesaro.

You have been asked, whether any English ladies visited her royal highness at Rome; do you know whether there were any English ladies of consequence at that time at Rome? I do not know.

What part of the year was it you are speaking of? 1817.

What part of the year, what season? In the months of June and July.

Is that the season when the Malaria prevails at Rome? It begins then, certainly.

You were asked whether at Pesaro any English ladies visited her royal highness; do you know of any English families being there? None.

EXAMINED BY THE LORDS.

Lord Ellenborough.—You say Count Schiavini left Rome the day after her royal highness left for Sinigaglia; at what hour did he leave Rome? He set out on the following evening, together with the equipage.

What equipage? All the articles of property that her royal highness had left behind; all the luggage.

In what situation was Faustina in her royal highness's family? I think she was charged with keeping of the effects, of the linen; but it is a thing that did not belong to me, and I do not remember. I beg you will say to these noble lords, that I cannot know with certainty, because it was not my own department, and I did not go about inquiring into those details.

Earl Grey.—Were you acquainted with Sacchi before he entered the service of the Princess of Wales? I had known him at Rome.

Did you know him when he was in the army of Italy? Never.

Earl of Lauderdale.—Where did you see the Lugano newspaper that first informed you of the proceedings against her royal highness? At Rome.

Adjourned.

THIRTY-EIGHTH DAY,—SATURDAY, OCTOBER 21.

Lieutenant Hownam was called, in order that he might produce his diploma of the order of Saint Caroline; but, not

being in attendance, the Attorney-General of the Queen tendered the same to the house, stating that it came out of the custody of Mr. Vizard, the queen's solicitor.

The counsel were informed, that it must be delivered in by Lieutenant Hownam himself.

John Allan Powell, Esq., was again called in, and further examined by the Lords as follows:

You have been directed to attend to deliver in certain papers sealed, are you prepared to deliver in those papers? In obedience to the orders of the house, I hold in my hands the papers which are required of me, and I beg it may be understood by the house, that my objection to the production of them did not arise from anything personal to myself, but from a sense of the character in which I stood.

The sealed packet was delivered in.

The witness was directed to attend the secret committee at the adjournment of the house.

The witness was directed to withdraw.

Tomaso Lago Maggiore was examined by Mr. Wilde.

Where do you live? Near the town of Como.

What occupation do you follow? A fisherman.

Were you at any time employed as a boatman to her royal highness the Princess of Wales? Yes.

Do you know Guiseppe Guggiari? I do.

What is he? Another fisherman as I am, my companion.

Were you ever in a boat with her royal highness the Princess of Wales when Pergami was there? I have been.

Did you ever see either of those persons kiss the other in the boat? No.

In what part of the boat did her royal highness sit? On the left.

Did you sit in such a situation as to see her royal highness? I did.

Had the boat lights in it? She had.

Did you sit in such a situation, that, if they had kissed, you must have seen it? I did.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

How many times have you conducted her royal highness from the theatre at Como to her villa? Precisely I cannot tell how many times, but I can positively say ten or twelve times, and even more.

Will you swear that you have not conducted her as many as twenty times? It might be still more, but I cannot positively state how many times it might have been.

Upon those occasions, when you conducted her royal highness from Como to her villa, how many boatmen, in general, were in the boat? Generally ten.

Was it after the theatre at Como was over that you were in the habit of doing this? Yes, I brought her back to the villa.

Was it then at night? In the night.

Was the part of the boat in which her royal highness sat separate from that in which the boatmen worked? The boat was all joined, but only it was divided in the middle, as it would be a carriage.

Did her royal highness and Pergami sit on one side of that division,

and the boatmen on the other? Six of the boatmen were in the fore-part, before the carriage, and four of them were behind.

So that her royal highness and Pergami had some of the boatmen at one end, and some of the boatmen at the other? Yes.

Was there any covering over that part of the boat in which her royal highness and Pergami sat? It was covered at the top, and had glasses in front and behind.

Where there any curtains? There was one curtain in the front, but none behind, because there were the glasses.

Were there any glasses in front? Yes, as well as behind.

Who sat in the carriage besides Pergami and her royal highness? For the most part, there was the prefect; there was also a magistrate called Podestà Parri, and a musician, Arnaboldi, a gentleman.

In going from the theatre back to the villa, did her royal highness and Pergami sometimes go alone? Never; the boat was always full of gentlemen.

Will you swear that the boat was always full of gentlemen in going home from the theatre to the Villa d'Este? Yes.

Where did the prefect live? He sat on one side or the other of the carriage.

Where did the prefect live? He dwelt at Como.

Where did the podestà live? At Como.

Do you mean to say, then, that they accompanied her royal highness from the theatre of Como to the Villa d'Este every night? I cannot say that they always accompanied her royal highness from the theatre to the villa, for sometimes they stopped at their own house; but, for the most part, in the boat there were many gentlemen.

Whom did you come over to this country with? We are twelve, or thirteen, or fourteen; I do not know how many we are.

Did you see Count Vassali before you came here? I saw him at Milan.

Did he examine you as to the evidence you were to give at Milan? No.

Who was it that examined you at Milan, if you were examined there? Advocate Podazzi.

Do you mean Codazzi or Podazzi? They told me Podazzi.

Did he write down what you said? He did.

Did you swear to the truth of it? I did.

Did Codazzi make you swear to the truth of it? He did.

How many times did you swear to the truth of it? I believe twice.

Then did you tell a different story at those two different times? No.

You having told one story, and had it taken down in writing, and sworn to the truth of it, what was the reason that Codazzi made you swear to the truth of it again? I have said about twice, but precisely I cannot tell.

Will you swear that you were not sworn three times by Codazzi? I cannot say that.

When you say you cannot say that, do you mean that you will not swear that Codazzi made you take an oath three times? I cannot say it; I cannot precisely state the times.

Though you cannot precisely state the times, will you undertake to swear that it was not more than twice? I cannot swear it, because I am in doubt.

Who was there at the time you were sworn in this way? An English gentleman.

What was his name? I do not know.

Was the name Henry? I do not know what name he had.

Was that English gentleman there each time that you were sworn? He was.

How much were you paid the first time that you swore?

The Solicitor-General of the Queen objected to the question.

Were you paid any thing, and if so, how much the first time you swore? No.

Do you mean to swear that you were paid nothing? I have received 20 Italian livres.

Do you mean to swear you received 20 Italian livres the first time you were sworn? It was on my setting out on my departure.

Do you mean to say it was on your departure to come to this country, or on your departure from Como to Milan? From Milan to come here.

Will you swear you never received any money before you set out from Milan to come here? Nothing.

What have you received since? Nothing.

Will you swear that the only sum of money you have ever received for coming here was the 20 livres? They have been three half-franks.

The interpreter stated, that he had put the question, what he meant by three half-franks? and that the witness stated, that he meant 20 Italian livres; that he received three half-franks, each frank consisting of six-and-twenty Italian livres.

Will you swear you have not received any thing more, or been promised any thing more? If they will give it to me I will take it; if they do not give it to me, I came voluntarily.

Do you expect that they will give it to you? My own will has brought me here, and if they give it to me I accept it; if they do not give it to me I have no claim.

Do you expect that they will give it to you? I cannot say any thing about hope, because I cannot tell the idea of those people who have told me to come here; if they give it to me I will take it.

Are you a married man, and have you children? I have a wife and children.

Has any thing been paid to them? There has.

How much? One livre, and my children half a livre.

Do you mean a livre a day? Yes, a livre a day.

How many children have you? Four.

Half a livre for each child? Yes.

Do you pay your own expenses here, or are they paid for you? That I do not know; they have fixed upon two Napoleons a day for the expenses.

Do you mean to say, that those two Napoleons a day are paid for your expenses? I do not know, because we have received no other money than those franks that I have mentioned.

Has any promise been made to allow you two Napoleons a day for your expenses? It has not been fixed upon.

What did you mean then, just now, by saying that the expenses were to be paid, and that they were two Napoleons a day? They have

fixed upon two Napoleons, but we till now have received nothing, and we do not know how it shall turn out, how it will be.

What do you mean by saying, that they fixed on two Napoleons, who are *they?* Podazzi.

When you saw Codazzi, at any of the times when you met Codazzi did you see, in the presence of Codazzi, at the time the business was going on, a young man with one eye? I have not.

Who was it that took down in writing your deposition, was it Codozzi's secretary? Podazzi.

Codazzi himself, or his secretary? Podazzi.

There was no clerk there attending at that time? None.

Where do you live now? We are out of the town.

How many are there of you together? About 20, or 21; I do not know precisely.

How far is it from London where you live? Five or six miles; I do not know precisely.

How far is it from the house where the queen lives? I have not been to see the house of her majesty, and I cannot tell.

Do you all live together in the same house, the 21? Yes, all.

Do you all dine at the same table? We do.

And breakfast together? Together.

And talk together? All together.

How often have you seen Count Vassali or Schiavini there since you arrived? Once.

Have you seen Guggiari there? Who is Guggiari, do you mean Santino Guggiari?

The question refers to Santino Guggiari? I have.

Does he live in the same house? He lives together with us.

How long have you been all there? It is about a fortnight.

Was not it at the request of Santino Guggiari that you came over here? No.

RE-EXAMINED BY MR. WILDE.

Are you locked in and guarded where you live? No sentinel; there is a key in every door.

Is the door locked in the day-time; can you get out when you like? In the house there is a key that locks the door, but we go to bed at night.

For whose expenses is it, that the two Napoleons a day were to be allowed? For the witness.

For how many? For each person they have fixed two Napoleons.

How many franks does each Napoleon contain? We reckon 13 livres, 13 livres.

Do you know the difference between a frank and a Napoleon? I cannot make precisely the account, four silver Napoleons make a golden Napoleon.

How much is a silver Napoleon? Six livres and a half of Milan.

When you say two Napoleons for the expenses, what sort of Napoleons? Silver.

Do you know how the allowance came to be made to your family, for what reason? The government has ordered so.

Did Guggiari stand at the same end of the boat that you did? Who is Guggiari?

Giuseppe Guggiari? Yes, he was in the same part, but behind me.

On which side of the boat did Pergami usually sit? For the most part on the right hand.

On which side did the princess sit? On the left hand, for the most.

You have been asked how often you have been sworn, explain how you were sworn, what you mean by being sworn?

The interpreter stated, that, being interrupted, he had not collected what the witness had said.

(Mr. Cohen.) He said, when they took down my examination.

What do you mean by saying when you were sworn? Upon the conduct of the princess.

What do you mean by giuramento? Upon the depositions which I gave to Podazzi, there the oath took place, or there was the oath.

Describe all that you did? I have deposed upon all those things that they have asked me, and I have said all those things which I have seen, and upon this the oath was *(Su di questo, è stato il giuramento.)*

Describe all that you did the first time you saw Codazzi? The deposition.

How was it taken? The deposition was this, that I have said that I had been in the service.

Did you do any thing? How, I do not understand.

What did you do when you took the oath? The deposition of those services which I had done to the princess.

Was there any book there? There was no book.

Was there any cross there? No, I believe not.

Did you kiss any book or cross? Nothing.

(Mr. Solicitor-General.)—At the time when you say you took the oath, did you hold up your three fingers in this form? No, I did not.

There being a doubt whether the witness had finished his answer, the question was directed to be again proposed.

He told me, swear to tell the truth, but he caused me to make no signs.

When he told you to swear to tell the truth, what did you say? What did I say, what did I do, to say the whole truth, to state as I have said.

EXAMINED BY THE LORDS.

Earl Grey.—Did you ever take an oath before any tribunal at any time? No.

Lord Ellenborough.—Did the rowers in this boat sit or stand? They stood.

Were not their faces towards the head of the boat? Towards the head.

How many rowers were there on that side of the carriage which you have described, which was towards the head of the boat? Six.

How many on the other side? Four.

What oar did you pull, counting from the head of the boat? The nearest to the carriage.

Which oar did you pull in the boat, counting from the head? That nearest to the carriage, behind the carriage, the nearest to the princess; there were two others behind me.

Did Guggiari pull the second oar from the stern? Yes.

Did you pull the fourth? The fourth oar, close to the carriage.

The Earl of Lauderdale.—Have you of late years found any defect in your eyes? About two years since they began to fail; I had been ill.

COUNT VASSALI,

Sketched by [illegible]

London, Published by Thos. Kelly *17, Paternoster Row Nov 10 1820.*

Did Guggiari, on all occasions, sit in the same position in the boat in relation to you, when you and he rowed in the boat? In the same place.

Can you swear that Guggiari never was in the boat rowing the princess from the theatre, when you yourself were not there? I cannot say that I was there every time.

Earl Cathcart.—You have stated you rowed the oar nearest to her royal highness, in that situation could you see over the awning, what you call the carozza? I could not.

How high did it come? As much at that. *(About two feet.)*

Marquis of Buckingham.—Are the silver Napoleons, which you have mentioned having been allowed for the daily subsistence, what are commonly called five-frank pieces? No, they are called Napoleons.

How many livres do you conceive they consist of? You may make the account yourselves, I say that those Napoleons are six livres and a half of our money.

The witness was directed to withdraw.

The Chevalier *Carlo Vassali* was examined by the Solicitor-General of the Queen.

Of what place are you a native? Of Milan.

Do you understand English at all? A little.

What is your profession? I have the honour of being an equerry to the Queen of England.

Are you in any profession? None.

Have you been in any? I have been a military man.

What rank did you hold in the army? My last rank was captain the dragoons commanding a squadron in the late disbanded royal Italian army.

When did you first become acquainted with her royal highness? At Turano, at the villa of General Pino.

Had you afterwards the honour of seeing her royal highness at General Pino's at Milan? Yes.

Did you dine with her at General Pino's? Yes.

In what year was that? If I remember well about 1816 or 1817.

Do you know Pergami? I do.

Was he there at the same time? He was.

Did he dine at General Pino's? He did.

Did her royal highness invite you to accompany her on any journey at that time? Yes.

What journey? From Milan to Turin.

Did you accompany her royal highness at that time? From Milan to Turin.

Did you afterwards accompany her royal highness in her tour to Germany? Yes.

Before you set out on that journey, did her royal highness employ you in any situation in her household? I set out from Milan performing the office of vice-equerry or sub-equerry.

How long did you continue in her royal highness's service? Till the time her royal highness went to Caprili.

Do you remember what time of what year that was? I believe in the year 1818.

Endeavour to recollect yourself, whether that date is right? I have said I believe it was at such a time; the exact time I do not remember

Did you enter into her royal highness's service at any subsequent time? Yes.

In what capacity? As equerry.

Have you continued in that service from that time to the present, as far as St. Omer's? Yes.

Was Pergami in her service at all the times when you were? He was.

In what employment? As a chamberlain.

Had he any thing to do with the management of the household, and the hiring of the servants? He had the direction of the house.

Was it his duty to hire the servants and dismiss them? I believe it was his duty.

Have you seen the princess and Pergami walking together at different times? I have.

Did you ever see them walking alone? Sometimes; going out from the garden under the portico.

Have you seen them riding out together on horseback or in carriages? In a carriage with others.

Did you ever see them riding or walking without attendants, except in the garden and immediately round the house? I have said that in walking I have seen them coming out of the garden and walk under the portico solely; but by saying solely they were not alone, for when I saw them I was myself at a little distance.

Do you know whether Pergami was received at the tables of the neighbouring families of distinction? Of what neighbourhood?

Of the neighbourhood of Pesaro? Yes.

Were you with her royal highness at Munich? Yes.

Do you remember whether her royal highness dined with her suite, with the King of Bavaria? Yes.

Do you know whether Pergami dined at the table with the king? I do.

Did he dine with the king? He dined at the table of the king.

Do you know of any civility passing between the King of Bavaria and Pergami? I have seen the king treat Pergami with the greatest affability.

Do you know whether there was any present given? Yes.

Be so good as to mention what it was? A golden snuff-box, surrounded with brilliants, and adorned with the name of the king.

Have you seen that snuff-box in the possession of Pergami? I have.

What was the name that was upon the box? An M. and an I., which signifies Maximilian Joseph.

Was there any crown upon it? No.

Do you remember being at any time at the Barona with her royal highness? Yes.

How long were you there, when her royal highness was residing there? You must mention the time, for I was there many times.

Were you there at a time when certain balls were given? I believe about six weeks.

Was that the time of the carnival? Yes.

Do you know for whose amusement those balls were given? For the amusement of the suite of the family of her royal highness, now her majesty.

What number of persons might attend ordinarily at those balls or dances? It would be difficult for me to state the precise number, but about fifty people.

Does that include the whole company, her royal highness's suite as well as the visitors, who came? All.

Do you remember whether any of the neighbouring gentry attended

those balls occasionally? From the neighbourhood came the family of the tenant.

The tenant of the Barona farm? Yes.

When you say the family came, did their father and their mother come with the children? They were there constantly.

Did you ever see the Prefect Tamasia there? I saw him.

The Baron Cavaletti? Yes.

Did you see any clerical gentleman there? The curate of the Barona.

Did her royal highness entertain company to dinner upon those occasions? Frequently.

Were the families of the Prefect Tamasia and the Baron Cavaletti there upon those occasions? Many times.

Were their wives there? Yes.

Their daughters? I do not think the daughters.

After dinner, did her royal highness and her company go into the room where the dancing was going forward? In the evening.

Did her royal highness and her visitors remain there any length of time? They came into the ball-room, and then her royal highness withdrew into the adjoining room to play.

Do you mean to play at cards? To play at cards or chess, and sometimes to play on the piano.

After her royal highness and her visitors left the room where the dancing was, did the servants and the visitors continue to amuse themselves? The servants did not come in at first, therefore they could not continue; they came in after her royal highness had withdrawn.

Did her royal highness occasionally join in the dance? She came into the ball-room, and sometimes she danced, but seldom.

Be so good as to describe the conduct of the persons who were collected upon those occasions? Most regular.

Did you ever see any thing indecent or improper in the conduct of those persons upon those occasions? Never.

You say you went upon the German tour with her royal highness, were you at Carlsruhe with her royal highness? I was.

Do you remember on what day you arrived at that place? Yes.

Mention the day? The twenty-fifth of March.

In what year? I believe 1818.

At what time of the day did you arrive? About noon.

Do you remember where you dined on the day of your arrival? recollect that perfectly.

Where was it? At the margravine's.

Was the psincess there? Yes.

And Pergami? Yes.

Madame Oldi? Yes.

Where did you sup on the first day? At the grand duke's.

Do you remember whether the Baron D'Ende was the chamberlain of the grand duke? I remember it perfectly.

Do you remember where you dined the second day? At the grand duke's.

Did her royal highness dine there? Yes.

Did Pergami dine there? Yes.

And the Countess Oldi? Yes.

Did Pergami and the Countess Oldi remain there the whole afternoon? No.

What did they do? Pergami complained of the head-ache, and caused his sister to accompany him to the inn.

About what time in the evening was it? About five o'clock

Did her royal highness leave the grand duke's at that time? She remained with the grand duchess.

Did you remain? I did.

Did you come away with the princess? Yes.

At what hour? Late in the evening.

What was done at the grand duke's after Pergami and the Countess Oldi went home? Amongst other things, they sang

Did you sing yourself? With the grand duchess.

On the third day where did her royal highness dine? At the margravine's.

Were you present at that dinner? Yes.

How was that evening employed? We went to the theatre, and then to sup with the grand duke.

Were her royal highness and her suite at the dinner and at the play? Yes.

On the fourth day did you remain at Carlsruhe, or go any where else? We went to Baden.

Where did you dine? At the inn, at Baden.

How far is Baden from Carlsruhe? I should believe about an hour's riding in the carriage.

On the day you went to Baden, where did you and the suite of her royal highness and her royal highness dine? At the Margravine's.

Did her royal highness and her suite sleep at Baden on the night of which we have been speaking? On the day we set out, we reached Baden; we slept at Baden.

The following day, when you dined with the Margravine, in what manner did you pass the afternoon? In amusement, in society.

Where was that? At the margravine's.

At what time did you return to the inn that night? About ten o'clock.

Have the goodness to mention what you did on the following day? On the following day, I believe, we dined at the grand duke's; on the evening we set out, after having taken some refreshment at home.

In the course of that journey, do you remember having gone with Pergami from Scharnitz to Inspruck about some passports? Yes.

At what time did you set off? We set out after dinner, after twelve o'clock.

About what time did you return to Scharnitz? Between two and three in the morning.

Where did you go on your return to Scharnitz, to what room? Into the room of her royal highness.

Where was her royal highness at that time? She was sitting on the bed—leaning, half-lying.

Was she dressed or undressed? She was covered with shawls, or something like it.

Was anybody with her? Yes.

Who was that? There was Pergami, then came Schiavini, and then afterwards the Countess Oldi came out of her own room.

What room was that? The room of Countess Oldi was the adjoining room to that of her royal highness.

Did you see the little Victorine that morning? Yes.

Where did you see her? I saw her sitting on the bed.

On what bed? Of her royal highness.

Did you see the little Victorine with her royal highness on the bed when first you returned from Inspruck? Yes.

Did you see Mademoiselle Demont? I saw her in the room.

Was she dressed or undressed? Dressed.

Did any officer arrive from the police in the course of that morning, after you returned from Inspruck? Not in the morning, but a few moments after our return.

Did you speak to that officer? Yes.

After speaking to him, did you return to the room of her royal highness? Often.

In what manner did you return often, how came you to return often? First, to give her an account we had arrived; afterwards, to see whether she wanted any thing; and lastly, to give to her an account of the weather, and that they were clearing the road from the snow.

Did her royal highness's suite make any preparation for setting out from Scharnitz? Yes, we remained up the whole of the night.

You have said that you yourself were often in the room of her royal highness, did you see others of her suite there also in the course of those preparations? Yes, the same that I saw before, from time to time.

Were there beds for the whole of the suite at that inn? Straw.

Where? Below, and in the corridor near to the room of her royal highness.

Do you mean the corridor where the room of her royal highness opened? Yes.

Were the suite lying on straw in that corridor? I saw nobody lie, because every body had got up; because they expected us.

Do you recollect at what time you set out on your journey? At day-break.

Had the preparations for setting out lasted till that time? There were not many preparations to make, because we had engaged the horses the day before.

While those preparations were going forward did you see Pergami? Many times.

Did you see him at any time undressed at all? Never.

Where did you see Pergami? I saw him in the kitchen, on the stairs, at the door, and in the room of her royal highness.

Do you remember, in the course of that tour, being at Trieste? Yes

How long did her royal highness remain there? A day and a half

To what place did you go from Trieste? To Venice.

Were you ever at Rome with her royal highness? Yes, many times

Do you remember one time when her royal highness went from Rome to Sinigaglia? I remember it very well.

How long did the journey last from Rome to Sinigaglia? I cannot say precisely; about three days.

Do you remember in what carriage her royal highness then travelled? Very well.

What was it? An English landaulet.

Do you remember who travelled with her royal highness, and, if you do, mention? Countess Oldi, Monsieur Pergami, and little Victorine.

Who travelled as courier to her royal highness from Rome to Sinigaglia? I saw Carlo Forti on horseback.

Did you see Sacchi on horseback as courier during that journey? No.

How long had Carlo Forti been in the service? He began the service at Rome definitively, but provisionally he began from Loretto.

Can you state the occasion on which Carlo was provisionally hired at Loretto? As Forti was acquainted with the city of Rome, being a Roman, he was sent with a despatch for this object.

Was Sacchi a courier in her royal highness's service at Loretto. Yes.

Was he sent to Rome with any despatches? Not that I know.

Do you remember any circumstance that prevented his being sent?

I believe they spared him because he was tired; I do not know it but I believe so.

Do you remember whether the princess or Pergami had any Padovanello? No.

Do you know whether any of the suite had any padovanello? I think that Louis Pergami had one.

Will you describe what sort of a carriage that was as to the springs and so on? A padovanello is a carriage which can contain but one person, without springs, and with two shafts and two wheels.

Did you ever see her royal highness ride in such a carriage as that? Never.

Have you ever seen any dance performed by a person of the name of Mahomet? Very frequently.

Was that ever in the presence of her royal highness? Sometimes, I believe, she saw it from the window.

Upon those occasions did Mahomet do any thing indecent with his dress? It was a most simple dance; by no means indecent.

Be so good as to mention whether, when her royal highness was residing at Pesaro, persons of rank were in the habit of visiting and receiving visits from her? She received all the persons of condition of Pesaro.

Do you remember the legate? Very much.

Was he frequently at her royal highness's Villa? At one time he was very frequently.

Do you mean that he paid visits of some days occasionally? Those visits lasted some time.

What is the name of that legate? Monseigneur Gandolfi.

Do you remember the Marquis Antaldi? I remember three brothers of the name of Antaldi.

Did any of them hold any office? Two had no employ, one was an architect; he was an architect for amusement, not by profession.

Was either of them a prefect? No.

Were those persons in the habit of visiting her royal highness? Very frequently; almost every day.

Did any of them hold any office under government? Yes, the Marquis Antaldo Antaldi.

What office was it? He was at the head of the commune of the district of Pesaro.

Did Pergami visit in their houses? In all houses.

Do you know whether he was received by persons of distinction when he was not in attendance upon her royal highness? Yes.

Have you been at the houses of such persons with Pergami? Many times.

At Rome was her royal highness in the habit of frequent intercourse with persons of rank and distinction? With the first nobility of Rome.

In all the times when you have seen her royal highness and Pergami together, have you ever witnessed the smallest impropriety of conduct on the part of either towards the other? Never.

How long have you served in the army? From the year 1805 till the year 1815.

Have you the honour to bear any orders? I was honoured with the order of the iron crown at my return from the Russian campaign.

CROSS-EXAMINED BY MR. ATTORNEY-GENERAL.

You say you were in the army from 1805 to 1815, what was your rank in the army when you first entered it? A guard in the guard of honour, in the first company of the Viceroy of Italy.

Do you mean one of the common soldiers, or had you any other rank in the army at that time? When I say guard, I mean a simple soldier in the guard of honour.

What guard of honour? The guard of honour of the King of Italy.

When was the first time that you were in the company of her royal highness? At Turano, a country house of General Pino.

About what time was it that you were first in the company of her royal highness? After her royal highness had returned from the long voyage.

In what year? I believe it was in 1817.

How often had you seen her royal highness before you were invited to go with her to Turin? I saw her at Turano; I saw her at the house of General Pino, and I saw her at the Villa d'Este.

Had you seen her only three times before you were invited to accompany her to Turin? I have not said that I saw her three times; I only said, that I saw her in three places; I saw her several times.

Who was it that applied to you to accompany her royal highness to Turin? Her royal highness herself.

Where? At the Barona.

You have said that when first you entered her royal highness's service your office was that of sub-equerry, what salary had you attached to that office? Nothing.

What salary had you as equerry? Two hundred Louis a year.

How long did you continue sub-equerry? Till we arrived at Caprili.

When was that? I believe it was about the year 1818.

When was it you first quitted her royal highness's service? I did not leave the service of her royal highness, I received a letter of dismissal at St. Omer's, to retire.

Do you mean to say, that from the first time you entered her royal highness's service, to accompany her to Turin, you remained with her till you came to St. Omers's? I set out from Caprili to Milan with despatches; and I was absent from the family a whole year, for affairs of my own family.

When was it you set out from Caprili to Milan with those despatches? On the day after we reached Caprili.

Did you rejoin her at Caprili, or where was it you rejoined the princess after you had been that year at Milan? I did not leave the service; I went to Milan with despatches; I remained there for affairs of my family, and I was recalled back to the Villa Vittoria by a letter.

The Villa Vittoria is at Pesaro, is it not? A mile distant from Pesaro.

In what year was it you joined her royal highness at the Villa Vittoria? 1819.

Are you to be understood that you continued with her royal highness from that time till you left her at St. Omer's? Yes.

You have said that you accompanied her royal highness to Munich, and that Pergami dined there at the king's table, did he dine there more than once? Yes.

How often? I cannot say precisely.

How long was her royal highness at Munich? I believe between ten and fifteen days; I do not know precisely.

Where did she dine the first day when she arrived at Munich? I believe at the inn.

Where did she dine the second day? I think with the king.

Where was she in the evening of the second day? I do not know.

Where did she dine the third day at Munich? I cannot mention precisely where we dined every day.

Where did she spend the third evening at Munich? The third day I do not know.

Where did she dine on the fourth day at Munich? I have said that I cannot fix where she dined precisely every day.

Where did she pass the evening of the fourth day at Munich? Some evenings we spent at the king's, some evenings at the Prince Beauharnois; but I do not know which each evening. I do not know how to fix how we passed each evening precisely.

Do you remember how many times you dined with the king at Munich? With the king, I believe twice; and at the state table of the king, I believe two or three times, or thereabouts.

Where did you go from Munich? I believe, but I cannot precisely say, to Nuremberg.

How long did you stay at Nuremberg? I believe two days.

Where did you go from Nuremberg? I do not remember.

You do not remember to what place you went from Nuremberg? Precisely,—no, I cannot tell.

How long were you upon that tour? I should suppose three months, thereabouts.

How many days were you at Carlsruhe? From the 25th to the 30th of March.

How many days? Six days, including the days of arrival and of setting out.

What time of the day did you set out from Carlsruhe? In the evening.

Before or after dinner? After dinner.

How far is the inn at Carlsruhe from the grand duke's palace? I cannot precisely state, it is little; about three minutes riding in a carriage.

How far is the margravine's palace from the inn? Nearer than that of the grand duke.

At what hour did you dine at Carlsruhe, when you dined with the grand duke? About three o'clock.

How long did you sit at table, during and after dinner? About an hour and an half.

What time did the evening parties or the theatre begin? The theatre began at one hour, and the conversazione at another.

At what hour did the theatre commence? I believe between half-past five and six.

At what time did the evening parties—the conversazione commence? There was no fixed hour.

About what hour? About half-past seven or eight.

Where was it you dined at Carlsruhe the first day? At the margravine's.

Was Pergami there? Yes.

Are you quite sure that he dined there the first day? Yes.

Where did you dine the second day? At the grand duke's.

Did Pergami dine there? Yes.

Will you swear that he dined there that day? Yes.

Did he dine in company with her royal highness every day you were at Carlsruhe? Yes.

What day was it after your arrival at Carlsruhe, that Pergami, you say, was taken ill? On the second day.

About what time was he taken ill? After dinner.

Soon after dinner? From half-past four to five o'clock.

You say that he returned to the inn, did he rejoin your party that evening? When we went home.

About what time did you return home? I believe between half-past seven and eight.

What makes you remember so precisely where you dined every day when you were at Carlsruhe, and you cannot recollect where you dined when you were at Munich? A man may remember one thing and may not remember another, without being able to assign any cause.

You have said that when you returned with Pergami to Scharnitz, you returned between two and three o'clock in the morning; is that so? Yes.

What time that morning did you set out from Scharnitz? At day-break.

About what hour? I should think between six and seven; towards seven o'clock.

What month was it? I know it was very cold, it was during the winter; but I cannot remember the precise month.

Was it broad day-light when you set out? Neither light nor dark, it was about day-break.

Then it was not broad day-light? About day-break we might see very well.

What preparations were you making for the journey you have been talking about, after your return? For the country people to go and clear away the snow, for we could not travel without taking away the snow.

What preparations were you making at the inn? I have not said that they were making preparations; I have said that preparations were made, and I meant, that is to order the country-people to clear away the snow.

Did not you go to rest after your return from Inspruck? No.

You sat up the whole night or morning? Yes.

What were you about during the whole of that time? I have said that I went often backwards and forwards into the room of her royal highness; we went and prepared something to eat for ourselves, for there was nobody that could do it for us.

How many times did you go into her royal highness's room? Many times, without being able to mention the precise number.

For what purpose did you go so frequently into her royal highness's room? Sometimes to give her something to eat, sometimes to mention about the weather, sometimes to tranquillize her mind about clearing away the snow, because she wanted to set out immediately; and sometimes to ask her what she wanted.

Did you carry her something to eat? No; but I entered her room when they carried it.

What time was that? It was about five or six.

Was that shortly before you set out? Naturally, we set out about seven.

Where did you see Pergami during the course of that morning? In many places.

What was he doing? The same that we were doing.

You were understood to say, you were doing nothing, you were not making any preparations? A person is not easy, he is always in movement when he is obliged to wait upon a personage of that quality; a person is in eternal movement.

How far is Scharnitz from Inspruck? Do you wish to know the

distance in miles, or in regard to the time that a person is requisite to employ?

In miles, if you know? In miles, I do not know precisely.

How long were you in going from Scharnitz to Inspruck? About four or five hours, thereabouts.

You went back from Scharnitz to Inspruck? Yes.

With Pergami? Yes.

On horseback? No, in a sledge as far a certain place, and then we went in a carriage by post.

At what time did you set out from Scharnitz to go to Inspruck? I believe about noon.

Where did you come from when you first arrived at Scharnitz? We came from Inspruck; we passed through Inspruck.

Had you travelled from Inspruck to Scharnitz on the same day that you returned from Scharnitz to Inspruck? I believe we stopped in a bad inn, but about the time I cannot precisely state.

How long had you been travelling on that day when you arrived at Scharnitz? I cannot precisely state.

About how long? Do you wish to know when I went there with her royal highness, or when I went there alone?

You accompanied her royal highness to Scharnitz? Yes.

How long had you travelled on that day when you arrived at Scharnitz? I do not remember.

Do you remember at what time in the morning you had set out on your journey on that day? From where?

From the place that you came from to Scharnitz? I do not.

Had you been travelling many hours on that day when you arrived at Scharnitz? Some hours, but I do not know the time precisely.

Did you stay at Scharnitz, or did you immediately return to Inspruck, in consequence of the mistake about the passports? I remained a very little time, about an hour.

Then you returned about two or three o'clock in the morning; were you not very much fatigued with your journey? For a man who has performed campaigns, it is not possible to be tired so.

Will you swear that after your return from Inspruck, you never lay down to sleep till you set out again? I swear it.

Were you never lying down upon the straw, for the purpose of resting yourself? Never for a moment.

Did Pergami repose himself at all after his return from Inspruck? I did not see him rest.

Were the carriages unloaded at Scharnitz? No.

How many carriages accompanied her royal highness, when she went from Rome to Sinigaglia? Four.

At what time did you set out from Rome? About ten in the evening.

It was very hot weather, was it not? Not during the night.

In the day? During the day, very much.

Who travelled in the first carriage? Her royal highness, Countess Oldi, Mr. Pergami, and the little Victorine.

Who in the second? I believe Mr. Hownam, Mademoiselle Demont, and Mademoiselle Brunette.

Who in the third? Mr. William Austin, myself, and a servant on the box.

Who in the fourth? I believe they were servants.

Was Louis Pergami upon that journey? No.

Camera? I believe not.

What servants were there in the fourth carriage? If I do not deceive myself, there were Soliman, and a Greek servant, whose name I do not remember.

Where did you stop the first morning after you set out from Rome? At Otricola.

Where the second? I believe at Nocera,

Do you remember whether it was the intention of her royal highness, on the second morning, to have stopped at a place called Foligno? I did not know the intention of her royal highness.

Do you remember any person being sent on from Foligno to order horses for the purpose of continuing the journey to Nocera? I do not.

Where did you arrive on the third morning? I do not know precisely whether we arrived at Sinigaglia, or whether it was the fourth day.

Do you remember stopping at Fano? Yes.

How long did you stop at Fano? I think a little time; an hour, or two hours; I cannot precisely state the time.

At what time did you arrive at Fano? It was during the day, but I cannot precisely state the hour; it appears to me it was daylight.

Do you remember seeing the theatre at Fano? I saw it, but not with her royal highness.

Do not you remember visiting some friend of yours at Fano while you were there? I do.

Did not you desire Forti to apprize your friend at Fano that you should be there, and see him. Yes.

Did not Forti set out before you to Fano, and did you not desire Forti, on his arrival at Fano, to apprize your friend that you were coming? I believe he arrived a few moments before.

Did you not desire Forti, when you set out from the stage preceding, to apprize your friend at Fano that you were coming there? I did not order Forti to go before to tell to my friends; but I told him, if he should arrive at Fano before us, to tell my friend that I was coming.

Do you remember seeing Sacchi at Fano? No.

Will you swear you did not see him at Fano? I swear it.

Do you know a place called Terni? I do.

Do you remember stopping there in your way to Sinigaglia? Yes, I think we stopped at the Piazza.

Do you remember taking any refreshment there? Something; but I do not know what thing.

Do you remember taking some ices there? Not I.

Did anybody else? I have said I do not know what they did take.

Did they take any refreshment? Something; but I do not know whether it was hot or cold.

Where did you take it? I think, in the carriage.

Who brought you the refreshment to the carriages? The servants.

What servants? I do not know.

Will you swear that Sacchi did not bring you some refreshment upon that occasion? I swear that I do not remember to have seen Sacchi.

Will you swear that he was not there? I repeat again, that I cannot swear that he was not there.

Do not you remember Sacchi's coming to William Austin upon that occasion, and speaking to him about the refreshment? No.

Will you swear that in the course of that journey you did not see Sacchi? I swear that I do not remember to have seen him.

Will you venture to swear, that he was not upon that journey as a courier? I cannot swear; I cannot say whether he was or not, for I do not remember to have seen him.

Did the Countess Oldi, during the whole of that journey, travel with her royal highness, or did she not occasionally change carriages? Always.

What time did you arrive at Sinigaglia? I think by day.

At what time of the day? If I am not mistaken, before dinner.

Will you swear that it was not in the afternoon, about four or five o'clock? When I do not know a thing precisely I do not swear.

Then you do not remember the precise time that you arrived at Sinigaglia? No.

How many days was it after you set out from Rome, that you arrived at Sinigaglia? Three or four days.

Do you know a person of the name of Racchi? I do.

Was he on that journey? He was.

Where did he travel, in what carriage? On the box of the carriage.

Which carriage do you mean? Of the carriage in which the femmes-de-chambres and Mr. Hownam travelled.

You have spoken of the balls at the Barona, and you have said that a person of the name of Cavaletti used to be at those balls; was Cavaletti in her royal highness's service at that time? No.

Where did he live? At Milan.

Do you know a person of the name of Antongina? I do.

Were his daughters at the ball? They were.

What is Antongina? A tenant of the Barona.

Besides Tamasia and Cavaletti, can you remember the names of any other persons of rank, who were ever at those balls? Yes.

Who were they? Dr. Mocatti, and the clergyman of the Barona.

Anybody else? I do not remember precisely.

You say there was dancing there, did you dance with the rest there? I did.

You say you know the daughters of Antongina, did you ever see any of them in any other room of the house besides the dancing-room? Never.

Or any other of the females who were at that dance? Never.

Did her royal highness use to dance with those persons? Sometimes, generally.

Where was your family living at the time you were at the Barona? At Milan.

Were they at those balls? None of them had been presented to her royal highness before that time.

Do you know the wife of Pergami? I do.

Was she ever at any of those balls? Never.

When was it you last saw Pergami? Last month, in coming from Rome.

Where did you see him? At the Villa Vittoria.

Anywhere else? You asked me to the last time, and I have answered to the last time; I saw him there; I saw him also at Milan

Did you see him at the Villa d'Este,? No, not now.

At the Barona? Yes.

And at Milan? The last time at Milan.

Were you frequently with him? Yes.

And with General Pino? With General Pino I was alone.

Did you not apply to many persons to come over as witnesses upon this occasion? They offered themselves.

Have you not engaged to indemnify several of them for coming over? It is not my character to recruit.

That is not an answer to the question; have you undertaken to indemnify any persons who have come over here? Not I; the whole thing was done by the advocate, Henry; I have done nothing.

Have you made no agreement with any of the persons who have come here, to pay them, or indemnify them for coming here? I have not made any agreement; I have executed the agreement which was made by the advocate, Henry.

How many agreements have you executed at the request of Mr. Henry? To the poor people, the agreement is ten livres per day for their support; during their absence, a frank a day to each of their wives, and half a frank a day to each of their children. This agreement has been made, because the passports would not be granted without securing something for the support of the family.

Have you made no agreement to pay any witness who has come over here any money for coming over here? I have made no agreement to pay; Mr. Giarolini, the head-master, before I set out, said that he suffered damage; then the advocate, Henry, stated, that the English laws granted an indemnification for what they might lose during their absence; consequently, it has been ordered, or rather requested, of architect Ratti, that he should make out an account of what his loss might be; this was done on a stamped paper, and it has been fixed to be three thousand livres of Milan; this sum, according to this account made by the advocate, Henry, I have paid to the son of the head-master, Giarolini.

Have you not given money for any persons to give evidence upon this occasion? Not to be a witness, never; I have given, at the departure of eighteen or twenty witnesses, by the order of Advocate Henry, a small sum of two or three Napoleons, on account of the ten franks per day, which thing I have explained to all the witnesses.

By whom were you employed to give this money to the witnesses? Advocate Henry has requested me.

How long have you been in England? I have been three times.

When was the first time you came? When her majesty was at Geneva.

When the next time? The second time, when she came from Paris.

You were understood to say you left her royal highness at Saint Omer's? It is true.

How long after that was it that you came to England? Six or seven weeks.

What was the occasion of your coming to England then? I was sent for

By whom? By her majesty the queen.

How long were you in England upon your coming upon that occasion? The second time I was here eight or nine days.

Did you not go out on the part of her majesty to collect witnesses at Milan, and elsewhere, for her? I was sent to Milan to render it easy for those who wished to come for her majesty to come.

How many persons had you communication with there as witnesses? Forty or fifty.

How many persons came over with you the last time? Two witnesses.

Who were they? One was Bonfiglio Omati, the other was Pasquelle Lago Maggiore.

Did Omati come as your servant? I did not want him, because I had a servant.

That is no answer; did he not come in the character of your servant, and was he not represented to be so? He came as a witness for her majesty the queen.

Did not you represent him to be your servant when you quitted the Austrian states? Never.

Did you frequently see Pergami when you were at Milan? Sometimes.

Frequently? Frequently.

Every day? No.

Did you not see him every day you were there, either at Milan or at the Barona? No.

Or at General Pino's? At General Pino's, never.

How long were you at Milan? At intervals, two months at a time.

Did you go to Pesaro the last time you were abroad? Yes.

Did you go to Pergami at Pesaro? Yes.

Did you travel with him from Pesaro to Milan? No.

Did he go before, or did he follow you? He did not follow me; he came a few days after.

How long were you at Pesaro? Half a day.

What was the occasion of your leaving her majesty at St. Omer's? I had not left her majesty at St. Omer's by my own will; I should have followed her willingly even into England; she thought proper to give me my dismissal.

How many of her majesty's suite left her at St. Omer's? Mr. Pergami, the little Victorine, two maids, and three or four servants.

Did you go with Pergami from St. Omer's? Yes.

Where did you go with him? To Paris.

Did you take the little Victorine to Paris? Yes.

Did you live with Pergami at Paris? Yes.

Where? At the hotel of Frescati, Rue Richelieu.

Was he there the whole of the time you were at Paris? All the time I was at Paris I was with Pergami.

The whole time at the hotel at Frescati, or in any other place? No, we dismounted at a little inn, where we remained two days, and then we went to the hotel of Frescati.

Who paid the expenses of that journey, when you accompanied Pergami? I did.

Did you pay for Pergami as well as for yourself? I paid for the expenses of the journey, and I was re-imbursed.

Re-imbursed by whom? By Pergami.

In what carriage did you travel from St. Omer's? A carriage for three people.

Was that one of her majesty's carriages in which you travelled up to St. Omer's? I believe it was one of the carriages.

Had Pergami and yourself any more than one carriage? Two carriages.

Were they both carriages that had belonged to her majesty? No.

What was the other carriage, then? A German carriage; I do not know to whom it belonged.

Was not that one of the carriages which had accompanied her royal highness up to St. Omer's? It was.

What servants accompanied you and Pergami to Paris? Francesco Serra, Amelio, Carnaghi, Agustino, Govin, and Marsigliani; I believe there was another, whose name I do not remember precisely.

Did you accompany Pergami to Italy from Paris? No, because I was here.

You came from Paris here? Yes.

Did you leave Pergami at Paris, or did he set out? I left him at Paris.

Did you afterwards see him at Paris? Not afterwards.

Where did you next see him after you went abroad again? The first time I saw him at the Villa Vittoria, at Pesaro.

Where did you last see the Countess Oldi? At her own house.

Where was that? At Crema.

Had her majesty any lady of honour with her after Countess Oldi left her? No.

Did the Countess Oldi travel from Pesaro to Crema with her royal highness? I do not think she did; I am sure almost; No.

You were upon that journey, were you not, when her royal highness came to England from Pesaro? Yes.

Did the Countess Oldi travel with her any part of that journey or not? No.

Where did you leave Louis Pergami? We left him at Pesaro, I believe, or at Milan.

When did you last see the mother of Pergami? At Milan.

When? Every time I was at Milan.

Have you ever seen Pergami's wife? I have.

Have you ever seen her at the Barona? I believe I saw her one day.

When? When I was the last time at Milan.

Was Pergami there then? He was.

He was at the Barona? Yes.

Where was the little Victorine, do you know? At Paris.

With whom? With two young ladies.

What young ladies? The same that set out from St. Omer's.

The last time that you saw Victorine was at Paris, with two of the servants of her majesty, who had left her at St. Omer's? We travelled together.

You travelled together to Paris? Yes.

Was Victorine in the same hotel with you at Paris, or was she placed in any other house? Yes.

With those two female servants? Always.

Did those servants take care of Victorine? Yes, because they did not like to return home.

Was the little Victorine at the Barona when you were there last? No.

What salary have you now from her majesty? I have no salary; I have a pension.

What is your pension? The same I had when I was equerry.

How much is that? About two hundred Louis.

How many franks? About 4,800 or 5,000 franks.

Where does your family live now? The family of my father in Milan; my wife in London.

Where is your wife living in London? At Sablonière's hotel.

Where are you yourself living? At the same place.

Who pays the expense of yourself and your wife being here? Till now I have not paid the account; I do not know.

Who is to pay? I believe that, being here as a witness for her majesty, it is the government who is to pay it.

Have you received any money from any person since you have been in England? Never; nay, I have not been paid for the journey.

Did you take out any money with you when you went to Milan the last time? I do not travel without money.

Who gave you the money to go out to Milan? To go to Milan, I received 100*l.* from Mr. Coutts.

On whose account did you receive that? For the journey.

Who gave you the order on Coutts to receive the 100*l.*? Her majesty the queen.

Did you not take with you also a letter of credit when you went to Milan? No, nothing.

Did you receive any money from Marietti while you were at Milan? I received it by the order of Mr. Henry.

How much? I think 52,000 livres of Milan.

Is that all you have received? The whole.

Either there or in England? At Milan, and something whilst I was at Venice.

How much at Venice? I believe a hundred Napoleons, that was all included.

Who travelled with you to Venice? I went there with the son of Mr. Wood.

What did you go to Venice for with the son of Mr. Wood? To acquire some knowledge about a person whom it was necessary for me to know.

Did Mr. Wood travel with you any where else? We went from thence to Milan.

Who paid the expenses of your journey to Milan, when you were with Mr. Wood? I.

Did you travel with any other person besides Mr. Wood, when you were in Italy? With a courier and my servant.

With no other gentleman when you were in Italy? In going from hence to Italy with the son of Mr. Wood, a courier, and my servant.

Whilst you were abroad in Italy, did you never travel with any other persons except Mr. Wood and your servant? Yes.

Who? Mr. Mioni.

Who else, in Italy or anywhere else since you have been abroad? In Italy with Mr. Mioni; I do not remember any body else in any other place.

Do not you remember to have travelled with any other persons besides Mr. Wood, while you have been abroad? No.

Are you sure you have travelled with no other person than Mr. Wood, with no other gentleman, English or foreign? I do not recollect.

Where did you travel to, besides Venice and Pesaro? Rome.

Did you go Switzerland? Never.

From Rome did you return to Milan? Yes.

What countryman are you? Of Milan

Have you any other fortune besides the pension you derive from her royal highness? I have some property of my own.

Where is Francesco Serra now? At Hammersmith

EXAMINED BY THE LORDS.

Earl of Liverpool.—Do you know whether any person slept in the princess's room at Scharnitz? No.

Do you mean that you do not know whether any person slept there, or that you know that no person slept there? As far as I know nobody slept there.

Lord Ellenborough.—Did you say that Carlo Forti was first taken into her royal highness's service at Loretto? I said that Carlo Forti entered her royal highness's service at Rome, and that previously he set out from Loretto with a despatch.

Did you ever see Carlo Forti in her royal highness's service before you saw him in her service at Rome? From Loretto to Rome provisionally.

Did you accompany her royal highness in her journey from Milan to Loretto? Yes.

Did you see Carlo Forti on that journey? Carlo Forti set out as a private individual, but not as a courier; they did him the favour to take him, in order that he might see his brother at Rome, not as a courier.

Did Carlo Forti, in point of fact, accompany her royal highness in her journey from Milan to Loretto? No, not as a courier.

Earl Grey.—Did he travel in her royal highness's suite in her journey from Milan to Loretto? From Milan to Loretto, he travelled in the suite of her royal highness.

And at Loretto he entered provisionally into her royal highness's service? He did not enter provisionally into the service, but he was despatched provisionally, just as another courier would have been.

Did Carlo Forti go from Loretto to Rome at the same time with her royal highness, or did he go before? Yes.

He went with her royal highness from Loretto to Rome? Yes.

Are you rightly understood, that on the second night of her royal highness's residence at Carlsruhe she returned from court to the inn at between seven and eight o'clock? Between seven and eight o'clock.

Lord Calthorpe.—When you returned from Inspruck to Scharnitz, did you, immediately upon your arrival at Scharnitz, go into her royal highness's room? Yes.

Was Pergami with you? Yes.

Are you certain that from the moment of your arrival at Scharnitz continual preparations were going on in her royal highness's room for leaving the inn? I have never said that there were preparations in the room of her royal highness.

Do you know how many beds there were in her royal highness's room at Scharnitz? I saw one.

Do you know what the ordinary time of going from Scharnitz to Inspruck is by the post? According to the road; if there is snow it requires more time; if there is not snow, we go in less time

About how many hours do you suppose you had been without rest, upon your arrival at Scharnitz from Inspruck? In going, in stopping, and in returning, I was from noon till next morning when we set out.

Do you recollect, in her royal highness's bed-room at Scharnitz, whether there was any mattrass on the floor of the room? No.

Are you sure there was not one? There was not.

Do you recollect any one place where you saw Mahomet perform that dance which you have before mentioned? Yes.

Did you see him perform that dance at the Villa d'Este? Yes.

Do you recollect whether the princess was present when that dance was performed? I believe that once she was at the window.

Are you certain whether she was at the window or not? I have said that I believe she was at the window; I cannot speak with certainty.

Do you remember any lady of distinction, of respectability and character in your own country, ever having witnessed such a dance? In my presence, I do not remember that there was any other lady.

Do you know whether that dance is called by any particular name? No.

Is it very like any other dance of which you do know the name? No.

Do you ever remember any lady of distinction, or of respectability and character in your own country, ever having witnessed precisely that dance? I have already said no.

Was Mahomet among the servants that were dismissed by her majesty, on her arrival at St. Omer's? It was already three years since he had gone away.

Earl Cathcart.—You have stated, that at Munich her royal highness dined with the King of Bavaria, and that you were also present, did her majesty the Queen of Bavaria dine at table on that occasion? She did.

Was that the only time that her royal highness dined at the king's table? Her royal highness dined there several times.

The Earl of Lauderdale.—When did you last see the Countess Oldi? When I went to fetch her, at Dover.

When was that? About a fortnight ago.

Is she now in England? She is.

When did you last see Faustina? I have not seen her for two or three years.

When did you last see Francesco, the Raggionato? The last time I was at Milan, about six weeks ago.

When did you last see Bernardo? Also.

When did you last see Pietro? Who is Peter.

The nephew of Pergami? I have not seen him.

Who worked in the stables? No.

When did you last see Carlini? I do not know who Carlini is.

The following questions were put at the request of the Attorney-General of the Queen:

Did you see any thing in the dance of Mahomet, as you yourself saw it, which any lady of distinction and character might not in your opinion have witnessed? Without doubt it was a ridiculous dance, no more.

Do you mean that there was any thing improper or indecent in it? Nothing at all.

When her royal highness returned the second night she was at Carlsruhe, from the palace to the inn, did you accompany her? I did not.

When did you go there? When she returned home, between seven and eight.

That is the time to which you are asked, did you accompany her? Yes, between seven and eight.

Into what room of the inn did you accompany her royal highness? The saloon.

W. B. GURNEY, ESQR.

Short-Hand Writer to the House of Lords.

Sketched by A. Wivell, & Engraved by T. Wright.

London, Published by Thos. Kelly, 17 Paternoster Row, Mar. 3rd 1822.

Whom did you find there? Pergami and his sister, and another person of the suite came to meet her.

Was Pergami dressed at that time? He was in a uniform.

How was her royal highness dressed at that time? I cannot remember how she was dressed.

Do you recollect whether she was in a court or state dress? In a dress of great splendour.

The Earl of Roseberry.—Did her royal highness remain for any time in that room which you call the saloon? Sometime, then we went to the Margravine's.

Did you all go together, Pergami accompanying her royal highness, as well as yourself? Yes.

How long did you all remain at the evening party at court after that? Till about ten o'clock.

(By a Lord.)—Was that the evening that Pergami was indisposed? He went away during the day, being ill; but in the evening he appeared to be no more ill, for he came to accompany us.

Was that the same evening? Yes, the second day.

Did the princess remain in the saloon the whole evening, from her return from dinner till she went out to the evening party? Yes.

You have said that you returned from Inspruck to Scharnitz at two o'clock, and that about five o'clock you went into her royal highness's room, at the time she was breakfasting; between the hours of two and five did you go into the bed-room of her royal highness? I never was more than a quarter of an hour, or half an hour, without going into her room.

The witness was directed to withdraw.

The Attorney-General of the Queen informed the house, that being now in possession of the fact, that the government of this country had used their utmost endeavours to procure the attendance of the Baron d'Ende, chamberlain to the Grand Duke of Baden, as a witness on the part of her majesty, and whose evidence he stated to be most essential to her majesty's defence; and being also in possession of the fact, that the Grand Duke of Baden had given full permission to the said Baron d'Ende to proceed forthwith to England for the above purpose, but that the baron himself had declined to attend, on account of the state of his health; though he could not presume to ask of the house to take any step in consequence of the circumstances above stated, until they should have perused the correspondence which had passed on the subject, he humbly submitted it as a reason why the counsel for her majesty should not be called upon to proceed further in their evidence this day; and requested leave, therefore, till the next meeting of the house, to consider what course it might be fitting for her majesty's counsel now to adopt.

Adjourned.

The following correspondence, which took place relative to the Baron d'Ende's appearance as a witness on the part

of her majesty the queen, was printed for the use of the house:

Despatch from Viscount Castlereagh to Mr. Lamb, dated Foreign-Office, October 5, 1820.

Foreign-Office, October 5, 1820.

Sir—I am to acquaint you that the queen's law servants have this day represented to the house of peers, that the Baron d'Ende, a chamberlain in the service of the Grand Duke of Baden, and who was assigned to attend upon her majesty when Princess of Wales, during the period of her visit to Carlsrhue in the year 1817, is a material witness for the queen's defence: that the baron had actually consented (subject to the permission of his royal highness the grand duke) to give his personal attendance in London for this purpose, but that upon his royal highness the grand duke's late return to Carlsruhe, this consent (as the queen's agent, Mr. Leman, has deposed) was, upon the part of the grand duke, distinctly refused; and the baron alleged this refusal to Mr. Leman, as the sole cause of his not giving his attendance in this country. Had the queen's law agents applied in due time to his majesty's government, it would, under the express orders which they had received at the outset of these proceedings from his majesty, and which in every instance pointed out by the queen's agents, they have uniformly and faithfully endeavoured to carry into effect, have been their duty to have addressed a request on the part of the king, their master, to the grand duke, to permit the attendance of this gentleman before the house of peers, for the furtherance of justice.

The legal advisers of the queen having represented, that they still continue to regard the presence of this individual as of importance to her majesty's defence, and his majesty being solicitous, with the least possible delay, to give effect to their wishes, I have received the king's commands to direct you will, without loss of time, on receipt of this despatch, proceed to Carlsruhe, for the purpose of giving, by your personal representations and exertions, the utmost possible weight to the request, which, in the king's name, you are authorized to make to the grand duke upon this matter.

The British government are fully sensible of the respect due to the law and practice of independent states, with regard to the means which the sovereign power may either be enabled, or think fit to employ, for the purposes of inducing, permitting, or compelling its subjects to appear, in order to give evidence before the tribunals of a foreign state; but they are persuaded, that whatever may be the rule which the Grand Duke of Baden may think fit to lay down on such matters, his royal highness's sense of justice will suffer the benefit or the inconvenience of such rule to operate equally and with perfect impartiality, on the side of the defence, as well as of the charge. Now as it appears, by the evidence of Barbara Kress, that she was not only permitted, but in some measure required, to give her attendance upon these proceedings in support of the bill, at the instance of the Attorney-General, no doubt can be entertained that, when you shall have brought the different course which is stated to have been pursued in the case of the Baron d'Ende, under the grand duke's notice, his royal highness will at once, whatever may be the temporary inconvenience to his royal highness's personal service, give orders for the baron's being permitted instantly to set out for this country, and in the present advanced stage of the proceedings, you will consider it your duty to press that this gentleman's departure and journey may be as much as possible accelerated.

I should hope that the simple statement of this case will be sufficient to give effect to the object with which you are charged, but in the event of any obstacle being interposed, you will make a written representation on the part of your court, pressing this request for the grand duke's favourable consideration, as indisputably due to public justice, under the peculiar circumstances above referred to.

I am, &c. CASTLEREAGH.

To the Hon. F. Lamb, &c.

Despatch from Mr. Lamb to Viscount Castlereagh, dated Carlsruhe, October 13, 1820.

Carlsruhe, Oct. 13. 1820.

My Lord—On the morning of the 10th I received your Lordship's letter relative to the Baron d'Ende. On the 11th I reached Carlsrhue, and obtained an interview with the Baron de Berstett. That minister went immediately afterwards to the grand duke, and informed me, on his return from his royal highness, that the obstacles to the departure of the baron could only be overcome by an official application. The inclosed correspondence will show what steps were taken in consequence, and their result. It may be permitted me to remark, that my application has been completely successful, and that the failure of the object of my mission to this place is to be attributed solely to the unexpected reply of the Baron d'Ende himself.

I have the honour to be, my lord,

Your lordship's most obedient servant,

F. LAMB.

To Viscount Castlereagh, K. G. &c.

Note from Mr. Lamb to the Baron de Berstett, dated Carlsruhe, October 11, 1820.

The undersigned, &c. has learnt, with regret, that the arguments which he had the honour to allege this morning in conversation with your excellency, have been insufficient to induce the government of Baden to permit the Baron d'Ende, chamberlain of his royal highness the grand duke, to proceed to London.

Under these circumstances it becomes the duty of the undersigned to fulfil the further instruction of his government, by representing officially to your excellency the reasons which induce him, however reluctantly, to renew a demand which has not met with the concurrence of the court of Baden.

The British government is fully sensible of the respect due to the law and practice of other states; it fully appreciates the repugnance which his royal highness the grand duke has felt to the details of his court being made matter of public investigation; and in proof of this, it may be permitted to the undersigned to recall to your excellency, that upon a previous occasion, when he had requested the attendance of a *fourrier* of the court as a witness against the queen, he readily desisted from the application, as soon as he was made acquainted with the sentiments and determination of his royal highness upon this subject. If he now pursues a different course, it must be attributed to the difference of the circumstances.

The witness in question is represented to be essential to the defence of the queen. The rights of hospitality will not be violated by his ap-

pearance; on the contrary, these seem to require, that the grand duke should contribute to the vindication of the guest of his court.

The permission which is demanded, is still more essential to the character of the British government.

With whatever good faith it may act, it will not escape the attacks of malevolence, unless its demand is granted; and your excellency will not have failed to remark, that in this affair it is not sufficient to act with the most perfect purity and good faith, it is also necessary that these should be made undeniably evident to the eyes of the whole world.

The undersigned trusts that these considerations may be of weight enough to induce the government of Baden to change its present determination.

Its own character for impartiality, and that of the British government for sincerity and good faith, are equally at stake.

The magnitude of these interests must justify the undersigned for persisting in an application which could, in no other circumstances, have received the sanction of the British government. The undersigned has the honour to be, &c.

F. LAMB.

Carlsruhe, October 11, 1820.
To his Excellency the Baron de Berstett, &c. &c.

Note from Baron de Berstett to Mr. Lamb, dated Carlsruhe, October 13, 1820.

Sir—In reply to the note which your excellency was pleased to ddress to me on the 11th instant, and in reference to the conversation which I had the honour to hold with you on the same day, I find it necessary in the first place to correct a most material mistake which appears to have crept into our communications.

The object of the propositions made to me verbally by your excellency appeared to me to be, that the grand duke, my august master, should give to Baron d'Ende not only his permission, but his orders to proceed to England; to which I had the honour to remark that I knew too well the fixed determination of his royal highness, never to take part directly in any thing which might relate to the solemn proceeding at this time before the tribunal of the house of peers in England, to dare to propose to him to give any such orders to a person belonging to his court. Your excellency will recollect that when, some time ago, you requested me to obtain permission for one of the *fourriers* of the court to proceed to England as a witness against the queen, I was under the necessity of declaring to you, that I could never obtain any such permission from his royal highness.

If any agents of the British government have succeeded in inducing subjects of the grand duke to proceed of their own accord to England, I have to remark to your excellency, that this could never have occurred, except in the case of private individuals, not being in the service of the court, or in any official situation, and to whom nothing but a passport from the police is requisite to enable them to proceed wherever they might wish, without the government ever having to take notice of such a circumstance.

I hope that your excellency will find in this exposition of facts relating to the object of your mission, the most convincing proofs of the impartiality and justice which have guided, and will ever guide, the conduct

of my government on this subject. But as your excellency is nevertheless pleased to persist in your demand, that Baron d'Ende should at least not be prevented by a refusal of leave of absence, from proceeding to England, in the event of his consenting to undertake this journey; and as your excellency assures me that this witness is deemed to be essential to the defence of her majesty the queen, his royal highness has ordered me to address immediately to Baron d'Ende the letter, a copy of which is annexed, by which that gentleman is left entirely at liberty to act according to his own wishes.

If Baron d'Ende's reply, which I transmit in original to your excellency, does not answer your expectations, your excellency will at least see by this last step, taken by my master's orders, that his royal highness, faithful to the principles he has laid down, has had no wish to hinder Monsieur d'Ende from acting on this occasion according to his own free will.

I beg your excellency to accept the expressions of my high consideration.

THE BARON DE BERSTETT.

Carlsruhe, 13th Oct. 1820.

To his Excellency Mr. Lamb, &c.

Note from Baron de Berstett to Baron d'Ende, dated Carlsruhe, October 11, 1820.

Sir—One of the Queen of England's counsel having asserted in the house of peers, that after receiving two letters written in her majesty's own hand, with the view of inducing you to repair to England to give evidence in her favour, you had, with tears in your eyes, refused to accept the invitation given to you for that purpose by one of her majesty's agents, alleging that an express prohibition from your sovereign rendered it impossible for you to undertake such a journey.

Mr. Lamb, his Britannic majesty's plenipotentiary to the Germanic confederation, has, in consequence, been directed by his government to proceed hither, in order to take all the necessary steps for prevailing on his royal highness to remove the obstacles which, it would seem, prevent your compliance with the request of her majesty the Queen of England.

This minister having acquainted me with the purport of his mission, I have laid it before the grand duke, and his royal highness has commanded me, Sir, officially to inform you, that you were perfectly at liberty to act, on the present occasion, as you should think proper, and that although his royal highness would never, nor in any manner interfere in whatever might relate to the proceedings against the Queen of England, he nevertheless, was ready to give you leave, on making such a request, to proceed either to England, or to any other country which you might wish to visit.

The case in question being of extreme delicacy, I am directed by the grand duke to request you will return a written answer to the communication which I have the honour of addressing to you.

Accept, Sir, the assurance of my most distinguished consideration.

THE BARON DE BERSTETT.

Carlsruhe, Oct. 11, 1820.

To Baron d'Ende, one of his Royal Highness the
Grand Duke of Baden's Chamberlains, &c. &c.
and Master of the Ceremonies.

Note from Baron d'Ende to Baron de Berstett, dated Carlsruhe, October 11, 1820.

Monsieur Le Baron—I have just received the letter which your excellency has done me the honour to address to me, and by which you are so good as to inform me, "that one of the counsel for her majesty the Queen of England has complained in the house of lords, that, after receiving two letters which her majesty had deigned to address to me, requesting my evidence, I had refused to proceed to London, in consequence of a prohibition on the part of my sovereign—that in consequence of this statement, Mr. Lamb, his Britannic majesty's minister plenipotentiary to the Germanic confederation, has been instructed to repair hither for the purpose of removing any obstacle which might arise to my departure; and that his royal highness the grand duke has instructed your excellency to declare to me, officially, that I am perfectly at liberty to follow my inclination, and that his royal highness, upon my request, will not refuse a leave of absence for proceeding to England."

I beg leave, in the first place, to be allowed to correct some mistakes which appear to have crept into the allegation of her majesty's counse. I have only been honoured with one letter from her majesty, a letter which has been delivered to me by her agent, Mr. Leman,—to which I have replied, that the nature of my duties rendered it impossible for me to come to England, in compliance with her majesty's wishes. With respect to the tears with which I am stated to have accompanied this refusal, I am the more astonished, as my declaration was conveyed to Mr. Leman through one of my friends, who undertook to communicate my determination to him upon this subject.

In consequence of the permission which your excellency has done me the honour to transmit to me in the name of his royal highness the grand duke, the difficulty grounded on the nature of my duties is overcome; I am extremely grieved, nevertheless, that it is not in my power to conform to the wishes of her majesty the queen. The state of my health is such that I could not undertake so long a journey without the greatest danger, particularly at this moment, when about to undergo a rigid course of medical treatment. Have the goodness, Sir, to explain these circumstances to Mr. Lamb, and to convey to him my regret at not being able to proceed to England.

I avail myself of this occasion to offer to your excellency the assurance of my highest consideration.

THE BARON D'ENDE.

Carlsruhe, Oct. 11, 1820.

THIRTY-NINTH DAY,—MONDAY, OCT. 23.

The Earl of Harrowby, with the other members of the committee who were appointed to investigate the papers referred to them; and also to examine Mr. Powell as to points connected with them, entered the house, when the noble earl delivered in their report, which was read by the junior clerk of the house.

It stated, in effect, that the lords to whom it had been referred to inspect and verify certain sealed papers, and also to examine John Allan Powell, Esq. touching the same, had agreed to their report

The committee had had Mr. Powell before them, who stated the contents of the whole correspondence on the absence of Rastelli. The committee then proceeded to verify the same, and also to compare the extracts of letters with the originals, which extended from before the 14th of September till after the period that Rastelli was to have returned back. It appeared, from the letters of Col. Browne, that an excessive alarm had arisen at Milan, by reports, not only of the mal-treatment, but even the murder of the persons who had repaired to this country as witnesses for the bill; and it was strongly urged by Col. Browne, in letters of the 10th, 18th, and 24th of July last, and again on the 14th of August last, that the alarm of the relations of the witnesses had much increased in consequence of no letters having been received by them. After this, similar reports were received from Col. Browne, who stated, that it was absolutely necessary to send back one of the witnesses as a courier, if it could be done in no other way, for it was reported, and believed by their families, that Rastelli had lost an eye, occasioned by his reception on landing here; and also that Sacchi had been murdered; and the terror those reports had produced was so extreme, as to deter other witnesses from coming over. The committee had confined their inquiry to this point respecting Mr. Powell's sending Rastelli to Milan, and conceived they had no right to produce such papers as might affect, in other points, the important inquiry now before the house.

Extracts from these papers were subjoined to the report. These extracts came under two heads:

1. Extracts of letters from Col. Browne to Mr. Powell, previous to the 14th September, when Rastelli was despatched back to Milan.

2. Extracts from Col. Browne's letters to Mr. Powell, and from Mr. Powell's answers to Colonel Browne, since that period.

Under the first head, as early as the 10th July, Col. Browne had written to Mr. Powell, that reports were prevalent in Milan of the maltreatment of the foreign witnesses. His letters of the 18th and 24th of July, and also as late as the 4th August, repeated the same reports, which, he stated, had acquired strength from the circumstance of none of the relations having received any letters, and concluded by expressing his hopes that letters would be speedily transmitted. Five letters, written by Col. Browne to Mr. Powell in the month of September, mention the prevalence of similar reports. In those letters it was stated by the Colonel that reports were in circulation that Rastelli himself had been ill-treated and lost an eye, and that Sacchi had been murdered. The terror which had prevailed was so extreme, that it had the effect of deterring several witnesses from coming to England, who had before expressed their willingness to come.

The committee stated to the house, that, under this head, they had confined themselves to general statements, as the extracts themselves were mixed up with matter that could not be received in evidence, as they conceived they had no right to countenance the production of papers which would affect the important inquiry before the house.

The same reason did not apply to the second head, and therefore the committee had subjoined to their Report the extracts.

In the extract of a letter, dated 13th September, from Mr. Powell to Col. Browne (of which Rastelli was the bearer), that letter stated that he had returned Rastelli to Col. Browne, as he might be of use to him; but he was to send him back with all the witnesses and documents in time to arrive here by the 3d of October. It also stated that Mr. Powell was conscious of the difficulties which Col. Browne had to encounter in consequence of the reports of the injurious treatment of the witnesses, and he relied on his exertions to get over them. In Col. Browne's letter to Mr. Powell, dated 20th Sept. he states, that just as he was going to despatch the courier, Rastelli arrived, and declared himself heartily sick of the manner in which the witnesses were confined in England; and a subsequent letter stated, that Rastelli was sick in bed. Mr. P.'s letter to Col. Browne of 2d Oct. expressed his sorrow at Rastelli's unwillingness to return, and it requires the Colonel to send him back, he having received the commands of the Attorney-General to that effect, whether the papers intrusted to Rastelli were verified or not. Another letter from Col. Browne to Mr. Powell, dated October 3, mentions that Rastelli was seriously ill of a fever, which he attributed to his vomiting of blood in his passage over. A letter, dated October 4, stated that Rastelli was ill of the jaundice, that he dreaded the thoughts of going by sea, and could not, without imminent danger, be engaged to travel in less than three weeks.

The Earl of Harrowby then moved, that the Report should be printed for the use of the house, which motion was agreed to.

Counsel were then called in.

The Attorney-General of the Queen requested that Louisa Demont might be called.

Mr. Solicitor-General stated, that in consequence of a communication of the wish of the counsel for her majesty, Louisa Demont, who was at her lodgings in London, had been sent for, but that he had been informed that Mr. Vizard had mentioned to Mr. Maule, that he should not want her before 12 o'clock, and that Mr. Maule had gone away with that impression.

The Attorney-General of the Queen begged to tender that which he could not in an ordinary trial do, being aware that it would be defective in that proceeding; but he hoped their lordships, in regard of the particular nature of the inquiry in

which they were now engaged, and more especially with relation to the charge contained in the preamble of the bill against her majesty, would be pleased to receive it in evidence: That it being alleged, in the preamble of the bill, "That her majesty conducted herself, not only with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse during her majesty's residence abroad, but that, by that conduct of her royal highness, great scandal and dishonour had been brought, during the whole of the period to which the preceding statement referred, upon his majesty's family and this kingdom; and that it was to manifest a deep sense of such scandalous, disgraceful, and vicious conduct on the part of her majesty, by which she had rendered herself unworthy of the exalted rank and station of queen consort, and to evince a just regard for the dignity of the crown, and the honour of the nation," he tendered the evidence which he held in his hand, to rebut that allegation, and to shew that the general estimation in foreign nations of her royal highness was such, after they had witnessed her conduct, as to be utterly inconsistent with the statement in the bill; that the paper he tendered was the Austrian Gazette, published at Trieste at the time her royal highness was there, which stated her to have arrived at midday, on a certain day, and to have left Trieste on the following day, with all demonstrations of respect befitting a person of her station; that he tendered this, not as conclusive evidence, but as primâ facie evidence of that which was inconsistent with the allegations of the bill.

The Attorney-General said, that the learned counsel had not the shadow of right to offer such matter in evidence, and it was palpable what effect was intended to be produced by it. Would they receive the testimony of newspapers as evidence in any court. If he himself was not permitted to tender such evidence against the queen, and he was quite certain he was not at liberty to do any such thing, how could Mr. Brougham, he would ask, be allowed to tender it on the other side? On the very same principle he, in support of the prosecution, might have produced gazettes and papers which contained injurious reports of her majesty.

The Solicitor-General said, it was evident the only object of Mr. Brougham in offering the paper to the house was to verify the time of her royal highness's arrival at Trieste, and this object was so palpable that he scarcely knew what expression to apply to it. The attempt was collaterally and incidentally to make an unauthorized impression on their lord-

ships' minds. His learned friend must know that such evidence could not be received.

Mr. Brougham, on the other side, admitted, that the paper in question was no evidence, if produced in a court of law; but the case was very different here. In every court of justice he should have possessed these advantages, which were unavailable to him in the present case; he could have attended a grand jury, and objected to the persons who presented the bill; he could afterwards, in open court, have challenged the jurors, and objected to the prosecutor who presented the bill. So situated, he could distinctly have said, that none of the parties should be allowed both to sit and vote in their own case. He did not know, even at this period, how far their lordships might be inclined to open to him, and if their lordships could consent to this, and convert their house at once into a court of justice, and if the Attorney-General would consent to it, he himself would be quite satisfied, and withdraw the paper at once. But when such anomalies had been allowed as against the defendant, it was necessary to rebut them by anomalies in disfavour of the prosecution, and, therefore, he hoped that as one anomaly led to another, their lordships would allow him this.

The Lord Chancellor said (after a pause) that he had to inform the learned counsel, that the paper he tendered in evidence could not be received by the house.

Then *Lieutenant Joseph Robert Hownam* was again called in, and further examined by the Attorney-General of the Queen:

Have you got the diploma of the order of St. Caroline? I have.
Is that under the seal of the order? It is.

The same was translated by the Marchese di Spineto, Mr. Cohen concurring in the same, and then the diploma was delivered in*.

---

* This instrument was dated at Jerusalem the 12th of July, 1816, and expressed it was issued by her royal highness as institutor of the order of St. Caroline, and granted to the Chevalier Hownam, in compensation for his fidelity in attending her.

The chief body of the instrument ran thus:

"By this present, subscribed by the own hand of her royal highness the Princess of Wales, and bearing her seal, her royal highness institutes and creates a new order, to recompense the faithful knights who have had the honour of accompanying her on her pilgrimage to the Holy Land.

COUNT BERGAMI.

From the Original Picture Published in [illegible]

London, Published by Thomas Kelly, *17, Paternoster Row, Aug.t 26 1820*

The Solicitor-General of the Queen stated, in reference to a further examination of Louisa Demont, that he had to request the indulgence of the house to agree to the application he was about to make in that respect; that he had no idea of calling the witness to prove any substantive fact on the part of her majesty, but to ask her to certain facts, with a view, if she admitted them, to have the benefit of them, and, if not, to call evidence to contradict her.

The counsel were informed, that this should regularly have been stated some time ago; but that the house had per-

---

"First—This order shall be given, and worn only by those who have accompanied her royal highness to Jerusalem, except her physician, Professor Mochetti, who by a simple accident could not follow her.

"Second—The Colonel Bartholomew Pergami, Baron of Francina, Knight of Malta and of the Holy Sepulchre at Jerusalem, equerry of her royal highness, shall be grand master of this order; and his children, males as well as females, shall succeed him, and shall have the honour to wear the same order from generation to generation for ever.

"Third—This same advantage is granted to the Knight of the Holy Sepulchre, Mr. William Austin, and also his legitimate children shall enjoy this honour for ever.

"Fourth—This honour shall be personal for you, Mr. Joseph Hownam, captain of the British navy, knight in the suite of her royal highness, created one of the knights of this order by this present, and at your death the cross, and the patent shall be returned to the grand master.

"Fifth—The grand master shall wear the cross round his neck; and the other knights shall be obliged to wear it at the button hole of the left hand side of their coats.

"Sixth—The above-mentioned order consists of a red cross, with the motto, *Honi soit qui mal y pense;* and shall be called by the name of *St. Caroline of Jerusalem.* The ribbon shall be lilac and silver.

Caroline, Princess of Wales.

Colonel Pergami, *&c. &c.*

Addressed
To the Knight Joseph Hownam, a Knight in the Suite of her Royal Highness, *&c.*

mitted a witness to be recalled under such circumstances, and would allow of this witness being now called with the view proposed.

Then *Louisa Demont* was again called in, and further examined by the Lords, the questions being suggested by Mr. Williams.

Are you acquainted with a woman of the name of Franchette Martigner? I believe not.

Do you know a man of the name of Henry Martigner? I do not recollect any such name.

Do you know a place in Switzerland called Morje? Yes.

The woman to whom the question refers is a milliner at that place? I know a person, a marchande de modes, of the name of Martigni, not Martigny.

Witness pronounced the first *i* short, Martigni; in putting the question, it was put long. The nicety of the distinction excited a laugh.

Do you remember seeing that woman, under the amended pronunciation, in April 1818? I have seen her several times, but I do not remember in what month.

In the year 1818? I do not recollect; but I may have seen her in the course of that year.

Do you remember sending for that woman to alter a bonnet for you? I cannot recollect my sending for her, because I did not reside at Morje.

Did you see her upon the subject of a bonnet in any part of the year 1818? I may have seen her, but I do not positively recollect whether I did or not.

Do you know the woman of whom you are reminded? I know this woman, Madame Martigni.

Had not you some conversation with her in the year 1818 about the princess of Wales? As I do not recollect seeing her in the course of that year, I do not recollect having any conversation with her.

Did you see this woman after you had left the princess's service? Yes, I saw her afterwards.

Had you not then some conversation respecting the princess of Wales? I do not recollect whether I had any conversation with her; it may be, but I do not recollect.

Do you not remember this woman, Martigni, speaking on the subject of your journal? I do not at all recollect her speaking to me on the subject of my journal.

Do you mean to say that you did not hold a conversation with this woman, Martigni, on the subject of your journal? I may have had a conversation with her, but I do not recollect; it may be.

Do you not remember this woman speaking with you as to the conduct of the Princess of Wales? I do not recollect.

Do you not recollect saying any thing about the persons that surrounded the Princess of Wales? I do not recollect; I have often spoken about the princess, but not about persons who surrounded her, who were of her suite.

Did not this woman, Martigni, ask a question of you respecting the

character of the Princess of Wales? I do not recollect having had a conversation with her on that subject; it may be, but I do not at all recollect.

Do you remember being at Morje? Yes, I have been at Morje several times.

Do you not remember this woman, Martigni, putting this question, 'Whether the Princess of Wales was not a woman of intrigue, a femme gallante?' I do not at all recollect; I do not recollect having had any conversation with this woman upon the subject of the princess.

Do you mean to say that you had not this conversation, and that the woman Martigni did not put the question now asked? I do not at all recollect.

Will you say that it did not pass, that the question was not put to you? I do not at all recollect whether this question was put to me; I have not the least idea of it.

Do you remember at that time becoming angry on the subject of the princess's conduct being mentioned? I do not recollect; I do not remember this conversation; I have not the least idea of it.

Do you remember your saying at that time, to this woman, Martigni, that it was all a calumny, and that it was her (the princess's) enemies that spread such rumours? I do not recollect any thing like that; I do not recollect it all.

Will you swear that you did not say so? I will not swear it, but I have not the least idea of it; before I was put upon my oath, I never said any thing of what passed in the house of her royal highness.

If that be so, do you mean now to represent that you did not use the language just put to you, or to that effect? I have not the least idea of such a conversation, I do not recollect it at all.

Will you swear you did not say so? I will not swear it, because I do not recollect it at all; I have not the least idea of it.

Did you not say to this Madame Martigni, that from the time the princess left England she was surrounded by spies? I never could have said so, because I myself never saw any spies.

Will you then swear that you did not say that which was just put to you? I will not swear it, but I do not recollect having ever said it.

Did you not say just now you could not have said it, because you never saw or knew any thing of spies? I do not remember ever saying so at all; I do not recollect having this conversation, I have no idea of it.

You were understood to say this moment you could not have said it, because you knew nothing of spies? I do not believe I ever said so at all.

Will you swear you did not say so? I will not swear it, but I do not think I ever said it.

Did you not say in addition, to this same woman, that the princess was very unfortunate? I do not recollect this conversation at all.

That the most simple actions of her life were always misinterpreted? I do not recollect ever saying so; I do not remember this conversation at all.

Will you swear that this conversation, or any part of it, passed in the year 1818? I cannot swear, but I cannot recollect; I do not recollect any thing of it, I have no idea of it.

Do you remember being at Madame Jaquereau, on a visit at Morje? Yes.

When was that? I have been there several times.

The question refers to the year 1818? I have been several times

there after quitting the service of the princess, but I do not recollect at what periods.

Were not you there, upon a visit to the person just mentioned to you, in the year 1818? Yes, I was there in the year 1818.

And in that year 1818, when you were on a visit, had you not a bonnet altered or repaired by Madame Martigni? It may be, but I do not positively recollect it.

Have you no memory about your bonnet being repaired or altered by this woman? I have had several bonnets altered by Madame Martigni.

Did you not tell Madame Martigni that you had always been about the person of the princess? I do not at all recollect this conversation.

Will you swear that Madame Martigni did not remark to you, that as you had always been about the person of the princess, you must have observed all her actions? I do not recollect this conversation; it may be, but I have not the least idea of it.

Did not Madame Martigni inquire particularly of you, whether you had seen any thing unchaste in the conduct of the princess? I do not recollect at all having had this conversation; I have not the least idea of it.

Will you swear it did not take place in those very words, or to that effect? I cannot swear it, I do not recollect it all.

Will you swear that you did not reply to this effect, 'My God! never in my life; it is impossible for any body to be more virtuous than the Princess of Wales?' I do not recollect; I cannot recollect having any conversation on the subject with Madame Martigni.

Will you swear you had not any conversation to that effect with Madame Martigni? I cannot swear it, but I have not the least recollection of it, I have not the least idea of it.

Do you believe you have used those expressions, or expressions to that effect, in answer to a question put by Madame Martigni? I do not recollect such a question; but if the question took place, I do not believe I made such an answer.

Did you not say to Madame Martigni, that in all her persecutions, she, the princess, had no friend but the old king? I have not the least idea whatever of this conversation, I do not recollect it.

Will you swear you did not say so? I will not swear it, but I do not believe that I ever said so.

Were you not at Morje in the month of November in the year 1818? I have been several times at Morje; I may have been there in that month.

Have you any recollection one way or the other, whether you were or were not there in that month of November? I may have been there in that month, but I do not exactly recollect; I was there either at the end of November, or perhaps the beginning of December.

Did not Madame Martigni ask of you, whether the princess was not much afflicted at the loss of the Princess Charlotte? I do not remember such a conversation; I have not the least idea of it I assure you, not the least idea.

Will you swear that Madame Martigni did not put that question to you? I cannot positively swear it, but I have not the least idea.

Did not you say yes, it was very natural, as she had lost every thing in losing her child? I have not the least idea of such a conversation, I do not recollect it in the least.

Do you believe that such a conversation took place with Madame Martigni? I do not believe that such a conversation took place.

Did not you say to Madame Martigni, that it was possible after the death of the Princess Charlotte, that the Princess of Wales would make some diminution in the expense of her household? I have not the least idea of such a conversation; I assure you I do not recollect it at all; I have not the least idea of it.

Will you swear it did not take place? I would not positively swear it, but I have not the least idea of it.

Before you were examined here, had you been examined anywhere else? I was examined at Milan.

Had you ever said any thing about her royal highness before you were examined at this place here? Was it after having been examined at Milan or before?

At any time before you were sworn here, had you ever said any thing about her royal highness? I had spoken of her royal highness before I was examined at Milan.

What did you mean by saying that before you were put upon your oath you had never said any thing as to what passed in the house of her royal highness? The meaning is, that I never said any thing of her conduct with Baron Pergami, with Monsieur Pergami.

Do you mean that before you were sworn in this place where you now are, you never, upon any occasion, said any thing elsewhere as to her conduct of her royal highness with Baron Pergami? I made my depositions at Milan.

By a Lord.—Do you recollect the day of the month on which you left the service of her royal highness at Pesaro? It was in the beginning of November, but I do not recollect the day.

Can you state how many days it was antecedent to your writing the letter from Rimini? I wrote that letter the same day in the evening on my arrival at Rimini.

The Attorney-General of the Queen requested that the witness might be permitted to remain, in order that she might see the witness about to be called, Madame Martigner.

The Lord Chancellor was not aware of the motive which induced the wish of the learned counsel; but his lordship apprehended that it was quite an anomalous course.

Mr Brougham said, that he thought if she were confronted with the witness he had in view, she (Louisa Demont) would give quite different answers to the interrogatories.

The Solicitor-General objected to the course contemplated by his learned friend on the other side, as wholly unreasonable and irregular.

Mr. Brougham would not persist in any thing unreasonable; but when his learned friend (the Solicitor-General) styled his request irregular, he begged leave to remind him, that the whole proceeding was irregular and anomalous

The witness was directed to withdraw.

Fanchette Martigner was called in, and was examined by Mr. Williams through the interpretation of Mr. Pinario:

Are you the wife of Henry Martigner? Yes

Of what place? Of Morje.

Do you keep a milliner's shop there? Yes.

Do you know Louisa Demont? Yes.

How long have you known her? From the time she was at Morje, when she was quite young, and was learning to work.

Was that before she went into the service of the Princess of Wales? A long time before that.

According to the best of your judgment, how old was Demont at the time when you first became acquainted with her? When I knew her the first time, she might be about 16.

Have you frequently seen Demont at Morje? From the moment I became acquainted with her, I saw her very often.

Do you remember seeing Demont at Morje at any time in the year 1818? I saw her in the month of April.

On what occasion did you see Louisa Demont? At the country-house of the Demoiselles Jaquereau, whither I was called on account of some work.

Work to be done for whom? For Mademoiselle Demont.

Before that time, had you seen any journal of Louisa Demont? I had read it.

When you saw Demont on the subject of some work, did you enter into any conversation with her, Demont, upon the subject of that journal, or of the princess? Yes.

Do you remember asking her any question respecting the Princess of Wales and her conduct? The first time I spoke to her about her voyage, because I had seen her journal.

The question refers to the time when you had the work to do for Demont? I understand so.

Did you ask Demont any question respecting the conduct of the Princess of Wales, or respecting the Princess of Wales generally? Yes.

What was the question which you put to Demont?

Mr. Attorney-General begged leave to submit whether this was evidence.

The counsel were informed, that if they thought the evidence objectionable, they were at liberty to state their objections; that there were two questions, first, whether it presented a contradiction? and, secondly, whether it went to the general credit of Demont? that it appeared to be evidence as affecting the general credit of Demont.

The Attorney-General of the Queen stated, that he did not offer it as affecting the credit of Demont generally, but in contradiction of her testimony, that she had not said any thing as to what passed in the house of her royal highness until she was put upon her oath.

[Here several extracts were read from Demont's evidence denying, or not admitting, conversations with the witness.]

The Solicitor-General remarked that Demont had qualified her evidence; she had expressly declared that she meant she had not had any conversation with any person respecting the conduct of the princess with Pergami.

Mr. Williams said, that in the preamble of the bill, by the evidence of Demont and others, her royal highness was charged with gross conduct; and if he could show that that servant had strongly expressed herself in favour of her royal highness, it would be clear proof of the contradictions of that witness.

Lord Erskine considered that the question ought to be put. It need not be entered at once on the minutes; but after their lordships had heard it, it would be for them then to determine as to whether it should be received as evidence.

The Lord Chancellor said, it had been urged that the evidence of the witness was produced to disprove the testimony of a particular witness. He thought that the question might be put in the view in which the evidence was offered.

The examination then proceeded by the repetition of the question.

I observed to Mademoiselle Demont that the Princess of Wales was a femme libertine et galante; and I said so frankly, for such was my opinion.

What answer did Demont make to your observation? She put herself in a great passion, and said it was nothing but calumnies invented by her enemies in order to ruin her.

Did Demont say any more? She said every thing that was good of the princess; that she had never observed any thing about the princess, or of the princess, but what was good.

Do you remember Demont saying any thing about spies? She told me that ever since the princess had quitted England, she had always been surrounded with spies; and she said something more, that every action that she did, even the simplest actions, and with the best intention, were misinterpreted; that the princess knew very well that she was surrounded by spies, but that she did no action but what she was willing that all the world should know.

Do you remember yourself saying any thing to Demont about Demont being about the person of the princess? I only recollect what I have said.

Do you remember inquiring of Demont any thing about the chastity of the princess? Yes, I asked her whether she had observed any thing of the princess.

What did she answer? She answered, no, that she had never observed any thing; and further observed, "it is impossible to be more virtuous than my princess."

Do you remember any thing being said by Demont about the late king, about the old king? She said, in the conversation, that the old king was the only support that the princess had.

You have stated that you had, on several occasions, seen Demont; did you know her well, and did Demont know you well? Yes.

Do you remember seeing Demont again in the course of the year 1818? Yes, in the month of November.

CROSS-EXAMINED BY MR. SOLICITOR-GENERAL.

What is it that leads you particularly to remember that this conversation took place in the year 1818? Because I saw her depositions in the public papers, and then I openly showed, or manifested, or expressed my indignation, that she could have said what she had said to me, and afterwards have made such depositions.

Will you have the goodness to answer the question, which was, "What leads you to remember that this took place in the year 1818? Because she employed me in altering a hat or bonnet, and she took it back from me on the 22d of April, 1818, as it appears by entries in my day-book.

Did your husband in that year, and, if in that year, in what part of that year, fall into embarrassed circumstances? My husband never was in embarrassed circumstances.

Do you mean to swear that your husband was never a bankrupt? My God! yes; neither he nor I.

How far is it from Morje to Colombier, where you live? About a short league.

How many times in the course of the year might you have seen Demont? I saw her several times, but only spoke to her twice.

How many times did you see her in the year 1817? I did not see her at all.

How long was it before the month of April, 1818, that you had seen her? I did not see her before; I knew she was in the country, or in the neighbourhood, but that was the first time I saw her.

Did you ever see her, upon any occasion, before the month of April, 1818? I had seen her before she entered into the service of the princess; but after her quitting the service, for the first time I saw her in the month of April, 1818, eight days before I did that work about her hat.

When was it that you saw her before she went into the service of her royal highness? I have seen her several times at Morje; she came to my shop, to my warehouse, to buy different things.

Did the acquaintance you had with her arise from the circumstance of her coming to your shop in the manner you have described to buy those different articles? Yes.

Can you remember when was the first time of her life, or about the first time, that she came to make some purchases? When she was at Morje, when she was learning to do needle-work at Mademoiselle Redar.

How long is that ago? Miss Demont might then be about 15 or 16, as I have already said.

As the age of Mademoiselle Demont now is not known, answer the question; how long was it, to the best of your recollection? I do not know her age; she was then quite young, and was learning to work.

About how many years ago is it, since that happened? I cannot recollect the precise time; it was when Mademoiselle Demont was quite young, and she was learning to make hats, and to do other work.

Was it as much as five, or six, or ten years ago? I cannot positively tell, I only know that she was then quite young, that she was at Morje to learn to work; they might write to Morje to know.

Do you mean to swear you cannot tell whether it was five or ten years ago? Yes, I cannot swear it, because I do not know.

Can you state whether it is three years or ten? I cannot say, I do not know, I swear I know nothing about it; this Mademoiselle Redar might be written to and will give the information.

Do you mean, upon the oath you have taken, to swear you do not know whether it is three or ten years ago? Yes, I can swear it, because I cannot swear what I do not know, what I do not recollect.

Who was present, besides yourself and Demont, at the time this conversation you have spoken of took place? The Demoiselles Jaquereau, the two sisters.

Where are the Demoiselles Jaquereau now? One of them is at Nismes, and the other is at her country-house at Morje.

Did this conversation take place in the house of Mademoiselle Jaquereau, or in your own shop? At the house of the Demoiselles Jaquereau.

Was Mademoiselle Demont living there at the time? She was there upon a visit.

Having stated that Mademoiselle Jaquereau was there at the time, do you mean to state that the conversation took place under such circumstances, that Mademoiselle Jaquereau must have heard it? They heard almost the whole of it, they were coming in and going out of the room alternately, yet they can recollect the greatest part of that conversation; but there are several particulars of that conversation which they well recollect, and even they found fault with my making that observation to Mademoiselle Demont.

When were you examined first as to what passed in that conversation? Do you mean examined by those gentlemen who came to Switzerland; it is about two weeks ago, a fortnight ago.

Who were those gentlemen? They are English names; one of them is Mr. Garston, and the other, I believe, is Johnson; I cannot well recollect, because they are English names.

Was it taken down in writing? Yes.

Did they leave a copy of it with you? No.

Did you keep a copy yourself? No.

Had you put it down in writing before they came? No, I had not even an idea of it.

Who came over with you to this country? Mr. Barry.

Did any body else come with you, or did you come alone with Mr. Barry? I came accompanied by my husband; I would not travel along the public roads without him.

What agreement have you or your husband made for compensation or reward for coming here? My husband has had nothing to do with that; these gentlemen told me that we should be indemnified in a just and fair manner by the government of this country.

Has no sum been mentioned? As I did not know these gentlemen, I would not trust to their word, because two years ago an Englishman, called Addison, occasioned me a loss of 50 louis; on this account they have deposited the sum of 100*l.* at a banker's called Messrs. Moret, as a security for their promise, and they have a receipt for that sum.

Is that 100*l.* which is deposited as a security for their promise, to be paid to you? This sum cannot be paid to me without an order from those gentlemen, because the sum has only been placed there as a security for their promise.

Is the promise they have made to you, a promise that you shall receive 100*l.*? No, what government will grant as just and fair; it is a guarantee of that promise, because they said it was not their intention to buy witnesses.

Do you mean to swear, that since you came to this country, or since you were first spoke to, no promise has been made to you or to your husband by any body? By nobody, I swear it, I tell the exact truth.

Have you received any thing? I have received 70*l.* sterling on account, for which I gave a receipt, because there is a suit depending there which will be decided against me, or may be decided against me, if I am not there on the 24th of the next month; not knowing how long I should have to remain in London, I would not leave my affairs without something to depend upon, and I have only received that as on account.

Besides that, have your expenses been paid, or did you pay your own expenses upon the journey? Those gentlemen paid the expenses of the journey.

Did you travel post? Yes, because it is this day eight days that we left Geneva, at four o'clock in the afternoon.

How much, besides the 70*l.* do you expect to receive as a compensation for coming here as a witness? As my whole dependance is on what this government will think just or proper to do, I cannot say that I expect any fixed sum myself; and my husband left our affairs there in the care of strangers, and the person whom I placed there in my room, and three young women in my shop to attend to it.

You have no expectation of any precise sum? No promise has been made to me; they have said nothing to me about it.

Where do you live here now? We arrived here late yesterday, at midnight; we have been placed somewhere, I do not know where; and here I am to-day in the morning.—*(Laughter.)*

RE-EXAMINED BY MR. WILLIAMS.

You have been asked about the time when you saw Demont at Morje, was it before she went into the service of the Princess of Wales? Yes, I had seen her several times, as I have told you; she came to my shop.

How soon after that conversation you had at Mademoiselle Jaquereau, upon the subject of the princess, did you hear of Demont having made a deposition against her? You know it better, gentlemen, than myself; it was on the 22d of April my conversation with her took place, eight days before I sent to her the work I had had to do for her.

EXAMINED BY THE LORDS.

Do you know whether Mademoiselle Demont is acquainted with your husband? No, not at all.

In your conversation with Mademoiselle Demont, did you ask her any questions respecting the manner in which the princess was affected by the death of her daughter, the Princess Charlotte? Yes.

What answer did Mademoiselle Demont give to that question? She told me that the princess was extremely afflicted, that she had lost all she had that was most dear to her.

Did you collect from Demont's conversation that she was with the Princess of Wales at the time she received the news of the Princess Charlotte's death? I believed that; but I did not ask her about it; I asked her if she would return to the princess, and she answered yes; she told me that she was on leave of absence, because the suite of the princess were in mourning.

Did she represent herself as being present at the time that the princess received the news of the Princess Charlotte's death? No, she did not say so to me.

The witness was directed to withdraw.

The Attorney-General of the Queen requested leave to call back Mr. Leman, with a view to clear up a discrepancy between the former evidence of Mr. Leman and what appeared upon the face of the correspondence laid upon the table on Saturday last.

Then *James Leman* was again called in, and examined by Mr. Tindal.

Were you despatched at any time to Carlsruhe? I was.

When did you arrive in Carlsruhe? Between the 13th and 14th of September, in the middle of the night.

Did you inquire there for the Baron d'Ende? I did, on the morning of the 14th of September.

Was the Baron d'Ende then at Carlsruhe? I was informed at his house that he was then at Baden.

Were you informed when he was expected back at Carlsruhe? They told me he would return to Carlsruhe on Sunday the 17th.

Did you afterwards set out from Carlsruhe to Baden for the purpose of finding him there? I called at the baron's house at Carlsruhe on Saturday evening; they told me it was very uncertain whether he would be there on the Sunday. I took a carriage, and went on Sunday towards Baden to meet him.

As you were on your road to Baden did you meet any person? I met a gentleman in a carriage; I thought it probable he might be coming to Carlsruhe, and I asked the post boy whether it was the Baron d'Ende, and he told me it was.

What did you do in consequence of that information? I turned the carriage, overtook him, and gave him the queen's letter, which was addressed to him, "The Baron d'Ende, chamberlain to the grand duke."

Did you speak to the gentleman who was in the carriage? I did.

By what name? I asked him if I had the honour of addressing the Baron d'Ende.

What answer did he give you? He told me that was his name, and I then presented to him the letter I had from her majesty.

Did he open that letter? He did, in my presence.

Did he read the letter? Yes, he did; he then invited me into his carriage, and drove me back to Carlsruhe with him.

To what house did you drive at Carlsruhe? To his own house, the house at which I had previously called for him.

You had some conversation with him on the road and at his house, had not you? I had.

From the conversation that you had, have you any doubt whether it was the Baron d'Ende with whom you were conversing? I have not the slightest doubt of it.

How long did the Baron d'Ende remain at Carlsruhe? He informed me that he had business that would detain him till Tuesday, and that his minutes were at Baden; and that without consulting those minutes he could not answer accurately the questions I had asked him.

Did you yourself remain at Carlsruhe? I went to Darmstadt almost immediately that I had left the Baron d'Ende, and did not return to Carlsruhe till the Tuesday following, in the evening.

When did you next see the baron? On the Wednesday morning.

What did he say to you upon the subject of his coming? He took me in his carriage to Baden; about mid-day we started, and arrived there about five or six in the evening; this was on Wednesday the 20th.

When you arrived at Baden, what did you do there? I took down his deposition in writing; he consulted his diary or journal he keeps of every day's transactions, and I took down his deposition in writing.

Did he show you any letter he had received? He showed me several letters he had received from her majesty, directed to him as the Baron d'Ende.

How long did you remain at Baden with him? Only that evening; I left Baden at five o'clock the next morning, and did not see him that morning.

When you left Baden, had the chamberlain stated any thing to you about his coming over to England? Yes, he had; he said that as the information he was going to give would be in his official capacity, his friends thought he could not go wjthout the consent of the grand duke.

Do you know whether the grand duke was at that time at Baden? I know he was absent from Carlsruhe and from Baden; he was on a tour.

Did you learn through the Baron D'Ende when the grand duke returned? On the evening of the 20th the Baron D'Ende said, that the grand duke was not at Carlsruhe, and that the instant he returned he would come to Carlsruhe to ask his permission to go.

Do you know whether he afterwards went to the grand duke to ask his permission? On the morning of the 23d of September he called upon me, and he had in his hand the letter of her majesty; he told me he was then going to the palace to ask permission to go as a witness; I went to the door with him, and I saw him go towards the palace; in about half an hour I saw him again in the street; I went out to him to speak to him, and he addressed me by saying "I have bad news for you; I am not permitted to go."

Did he afterwards take you to his house? Yes, he did; he took me to his house; he appeared agitated, and extremely vexed that he was not permitted to go.; and he caught hold of my hand, and put my hand to his heart, and said, "Feel how my heart beats."

Did you after that make any other application to him? On the the same morning, about an hour or two afterwards, I wrote him a letter, of which I have a copy here; I was fearful he would be out; I intended to have spoken to him, but fearful he might be out, I wrote a letter, and left it for him, for he was out when I called.

Was that addressed to Baron D'Ende? It was.

And left by yourself at his house? Yes.

Did you receive any answer to that letter? By a friend of the Baron D'Ende, a lieutenant in the life guards of the grand duke.

Do you remember his name? Schweitzer I am confident his name was.

Was that answer a written answer or a verbal one? A verbal one.

What was the answer that he sent to you? That he could not make the deposition without the consent of the grand duke, and that he declined sending a written answer to her majesty's letter.

EXAMINED BY THE LORDS.

Did Baron D'Ende appear to you, when you saw him, to be in perfect health? He appeared to me to be so, perfectly; I remember one day his medical man came, but he was out, and travelling about a great deal.

What age do you conceive him to be? I should think about 40.

The witness was directed to withdraw.

The Attorney-General of the Queen then addressed their lordships:—"My Lords, we have already shown to your lordships, in part, the great and manifold difficulties under which her majesty's counsel have laboured throughout the whole of this most extraordinary proceeding. We have now arrived at a stage at which those difficulties overwhelm us. We attribute no blame to any party, for the blame is solely attachable to the proceeding itself. The absence of Baron d'Ende, a material witness in favour of her majesty, forms a prominent difficulty to obstruct our future progress. That absence has been procured through the influence of some persons. The connexions with the English or the Hanoverian governments, which I am not bound to say, have shackled her Majesty's defence. It has been said that Baron de Berstett offered a *congé* to the chamberlain; that is, the Baron de Berstett said to that witness, whose presence here was so much desired, 'if you desire a *congé* you shall have it;' ominous words in the ears of the unfortunate chamberlain—words, the meaning of which he thoroughly understood. The Baron d'Ende is a chamberlain, and can form no doubt as to the views of his employer, whose will is the law to him, whose permission may, he knows well, but badly accord with his wishes. 'If you wish to go to London, you may go to it,' says the Baron de Berstett, 'but beware,' say his looks, 'that you go thither, for if you do, your dismissal is fixed.' 'You may go,' exclaims the Baden minister,' but mind you, you may also ask for your dismissal, you may resign—(for ministers, my lords, are never dismissed, they always resign, or obtain permission to retire in consequence of ill health, or to be relieved from the cares of office,)—(Laughter)—you may go to London, but remember that you only have leave to return: that is your *congé;*' foul words in the ears of any German baron, but particularly foul to the delicate ears of a chamberlain.—(Laughter.)—No sooner had the Baron d'Ende known that if he chose he could accept the *congé* of his employer and depart, and that he also might return, but that to return as chamberlain he could never hope, than he grew ill. I believe verily he grew ill in earnest; and that that part upon which he so pathetically put the hand of Mr. Leman as being affected with spasms, was attacked with another spasm. His illness, therefore, has continued to stifle all feelings of honour, for it adheres closely to his duties as chamberlain. I do not say, my lords, that ministers have not done their duty; I believe they have; but it is proved that they and their agents have applied in vain for the attendance of this witness on behalf of her majesty. Kress had been compelled

to come over to give evidence against the queen, but no such compulsion was used with this Baron d'Ende. Kress was compelled to come, for, as she declared, if she did not come by fair means she would be forced by foul ones; not, indeed, by the government of Great Britain, but by the government of Hanover; for, my lords, there is a second party to this bill, besides the government of England, which exerts influence against the queen! To what other purpose are the Munsters, the Redens, the Grimms, employed in this affair? They, it was, who procured the compulsion of Kress to attend against the queen, but that of Baron d'Ende, in favour of her majesty, they did not compel to come, but they influenced through terror to remain away. I blame not any of those parties, they laboured in their vocation, and so also did the English ministers in theirs, when they honourably exerted themselves to procure the attendance of the Baron d'Ende. There may be something jocose in all this, which may excite a smile on your lordships' countenances; but I now seriously and solemnly, in the face of Heaven, call upon your lordships to consider all the circumstances of this extraordinary case. Your lordships have perceived that our ministers at home, notwithstanding all their *bonâ fide* exertions, are not sufficient to run into all those places whence witnesses have been brought against the queen, and whence they could not now be brought. For here I ask your lordships, under these insuperable difficulties in which we are therefore at present placed, if by any motive which can be urged we are bound to proceed with this case? From some causes beyond our control, we find that it is impossible to continue this case with justice to the queen; and I am sure that his majesty, if his majesty is the other party to this bill, would be the last man in his dominions who would desire it to continue, if its continuance could not continue with perfect justice to his royal consort."

On the motion of Lord Holland, a variety of extracts were read from the evidence, to show that ambassadors and ministers had used their influence to induce witnesses to come to England to give evidence against the queen; and that they had even employed menaces, as in the case of Kress, who was told by Baron Berstett,—'if you will not go voluntarily, you shall be forced.'

The counsel in support of the bill were asked, whether they proposed to call any witnesses in reply.

The Attorney-General said, he was prepared with some witnesses in order to rebut the accusations of the alleged conspiracy; but unless Col. Browne was present, he felt that he

could not, consistently with the justice of the case, proceed to call them. It was essential on his part to support the bill; but in justice to the character of Colonel Browne, he felt that he should be obliged to defer calling any witnesses until his arrival. There were, it was true, two of the gentlemen who had acted with him on the Milan commission in town, who could be called and examined, but he trusted that their lordships would, in accordance with the feelings of justice which guided their decisions, allow Colonel Browne the indulgence of appearing himself at their lordships' bar, in order to contradict the foul aspersions which had been cast upon him. He therefore threw himself on the indulgence of their lordships. As the case on the part of the defence of her majesty had terminated, perhaps their lordships would allow some time before the summing up of the evidence for the defence, and during that interval Colonel Browne would have arrived, and could be produced before their lordships. If the case was then fully closed, no time could be specially marked out for that purpose, and he therefore trusted that their lordships would in justice allow such time as would be necessary for that purpose.

Mr. Solicitor-General was heard in support of this application.

Mr. Brougham.—"Nothing which he had heard from the Solicitor-General or his learned leader could induce him to give up the question which he had before submitted—whether or not their lordships now constituted a court of justice? He had been tied down, he had been bound by his learned friends on the other side in nine-fold technicalities; he had been impeded at every step he took through the mazes of that conspiracy which it was his object to develop. He was then referred to the rules of courts below, and to the principles of justice as formally laid down in other places. But now, when they were called on to abandon every principle observed in those courts, every rule, and were about to fly in the face of all regularity, about to do what never yet entered into the head of a legal practitioner, they were told that they were a body of men exercising a most ample discretion, and might regard themselves as sitting judicially or legislatively as they pleased. They were indeed not to be bound down by rules; but he would ask them whether, since forms and modes, those handmaids of justice, were first introduced—whether, since justice was first administered in this land, any thing so monstrous had been, he would not say entertained, but attempted? Who or what was this Colonel Browne? Was it because he was incidentally affected in the course of these proceedings that

the Queen of England was to be forgotten? Forgotten! did he say? No, injured, trampled upon? Was it because this lieutenant-colonel, in he knew not what regiment of hussars, but in he knew what Milanese commission—was it because the character of this man was brought somehow into jeopardy, that the interests, the rights of her majesty, were to be lost sight of? And against whom was this monstrous novelty directed? Against one entitled to every advantage, upon every principle of law, where the balance was supposed even between the prosecutor and defendant? But it was now apprehended that a favourite agent had got into danger; and though it was obvious that his case must be disposed of ultimately after the present proceedings were brought to a termination, it was asserted on the other side that they were taken by surprise. He would not then stop to argue that point, but contend that it was utterly new, that it had never before been heard of in any court of judicature, that the prosecutor should have a liberty of suspending an inquiry, in order thereby to be enabled to mend his case, or to defend his agent. If, indeed, he should argue the point to which he alluded, he believed that every principle of English law might be quoted in his favour.

"But it was, in fact, not true, that they were taken by surprise on the other side. In his opening speech, they who had done him the honour to attend to it must remember, that though he charged no conspiracy directly—although he abstained as much as possible from the use of the odious word, and although he had treated the conduct of the agents at Milan, as conduct which merely went to damage the queen's cause, and had tendered evidence with a view only to that proposition, he had at the same time added, that these persons, without applying any fresh epithets to them, had acted in that way which conspirators and plotters would certainly have adopted, and without which they could not have carried their measures into effect. Could any man in his senses believe, for one instant, that the getters up of this prosecution expected to steer through their whole case without one attack being made upon Browne or others? On the answer of every honest mind to this question, he would rest his objection to this last and hitherto unheard of application. They on the other side were, he repeated it, not taken by surprise. Their object was to rebut Pomarti's evidence; but had not their lordships themselves observed what took place the moment Pomarti's name was mentioned? Had they not seen how his learned friends on the other side instantly drew forth from their bags a brief dedicated to the use of Pomarti. These innocent gen-

tlemen, the agents of yet more innocent persons, no sooner heard the name of Pomarti announced, than they found in their repositories something that suited him exactly. How were they qualified to cross-examine Pomarti as they had done, except by the information which they had received from Milan? Would their lordships believe that these simple, innocent, and ignorant persons, knew nothing of a certain process which had been carried on at Milan, and in which damages were sought against Vimercati for the part he had taken in a conspiracy? They were, in fact, in possession of all the evidence which they could derive from Colonel Browne in person; but whether they had or not, was not material to the question in the view he took of it. If the cross-examination were referred to, it would be seen that many questions were put on points that must have been supplied by Colonel Browne, and which clearly indicated that Browne was previously aware of the effect of Pomarti's evidence. His learned friends—he ought to say their employers—never had the audacity to intimate that Colonel Browne was not a party to the whole of these proceedings. They would scarcely say that he had not received due notice, or that he had not been furnished with a list of witnesses. He and his friends who acted with him on her majesty's behalf had felt all along the possibility of such an application as that now made. But would their lordships stop short? Would they suspend her majesty in that state of irritation, or rather disease, such as he never before saw afflicting a human creature; would they, when they turned their eyes to that situation in which the illustrious victim had been so long detained, would they then heap a new wrong upon her head, by departing not only from all the ordinary rules of courts of justice, but from rules laid down by themselves in this very process? Such a proceeding would be strange to all our courts, and strange to all our lawyers; and the more strange, that it should be adopted at such a period of the inquiry, that evidence should be tendered at such a moment, to mend a case rotten in itself originally, and utterly destroyed by the defence. This, indeed, would be to combine oppression, wrong, and irregularity, for the purpose of needless, and gratuitous, and shameless cruelty."

Mr. Denman.—"The ground on which this before unheard-of application was made, was simply that Colonel Browne was not in England, but in Milan. But the counsel for her majesty complained of this very fact. They contended that Colonel Browne ought to be in England—that he ought to be here to explain his conduct, and to defend his practices.

But, because he was not here, was the case of the queen to be injured? Was her situation, on that account, to be rendered worse? It was, perhaps, the most anomalous point in this most anomalous proceeding that her majesty was ignorant of the mode by which she had been brought to trial. She knew not whether the charges proceeded from the Milan commission alone, or had been issued under the sanction of the court of Hanover. Their origin was, however, only to be looked for amongst the proceedings of the Milan commission, or in the archives of Hanoverian justice. Either from the Milan commission, or from the court of Hanover, these proceedings emanated; and it would be most shameful, when the case for the defence had been brought to a conclusion, if the evidence of persons sent out from England on this commission—evidence that had not before been tendered—were to be admitted, in order to make out a new case. The courts of justice below had been much talked of; but they ought to blush, and hide their heads, when those courts were mentioned. What individual had ever been cited before those courts, who was ignorant of the proceedings which had led to his trial? He must know his prosecutor; he must know that depositions against him had been taken before a magistrate; and he must also know that evidence was adduced before a grand jury, sufficiently strong to justify them in finding a bill of indictment. But here not one of those preliminary steps had been observed. Therefore, so far from Colonel Browne's absence being a good reason for granting the extraordinary indulgence that was required, it was, in fact, a reason for the further condemnation of the course that had been pursued. Colonel Browne ought, undoubtedly, to have been here, at all events, as a Milan commissioner, in the first instance, if he were not required as a witness in the second. But Colonel Browne's character was to be cleared! Yes, the character of every body was to be purified, except the character of the Queen of England. He (Mr. Denman) had not condemned the Milan commission—he had said nothing about it. Still, however, he did not know but that he might have to charge every one of those three commissioners with the grossest and the most infamous misconduct. He did not mean to say that he would do so; he did not mean to assert that he had evidence of that nature; but he would contend that, if he had such evidence, he possessed the right of bringing it forward. But, when he stated this, he was met by a thousand panegyrics, not only on these gentlemen, but on the character of Mr. This and of Mr. That—in short, on the character of all those who were concerned. He was stopped at the threshold of this part of the

defence by panegyrics on some persons who were known to have been employed, as well as by eulogies drawn up in blank for any person whom circumstances might bring into notice. He complained of the absence of Colonel Browne, who ought to have been in this country; he complained of the pretence on which this additional delay was now called for—called for, he would say, with no more regard for her majesty than if she were the inanimate subject of a chemical experiment. It was false to say that the counsel on the other side did not know that witnesses were to be called with respect to the Milan commission—it was false to say, that no expectation was entertained of their conduct being inquired into. From the commencement of the proceeding inquiries had been made as to the conduct of Vimercati and Colonel Browne—inquiries had been constantly directed to the witnesses, in order to discover whether they had not been tampered with. Questions relative to that fact were put to Majocchi, and to every other witness. How then could it be said that nothing had been done which could lead to the inference that the conduct of the commissioners would not be considered? It was quite clear that a contrary inference must have been drawn from all that had occurred. If this were the fact, why was not Colonel Browne present? The same ship that brought over Pomarti, whose statements must be fresh in the minds of their lordships, might have carried over Colonel Browne himself, who ought at that moment to be present at that bar. He would not condemn Colonel Browne unheard; but he would not condemn the queen, on account of his absence, to a further protraction of her most painful situation. In any case it would be a most unjust proceeding; but it was still worse in a case where female character and female feeling were so deeply affected. If delay were now granted, he must consider that delay to be indefinite. What was there in the proceeding that justified his learned friends in asking for this indulgence? This was a divorce bill—a bill also of pains and penalties. As a divorce bill it was originally defended and attacked. But the next day after that defence and attack, they were told, by authority which could not, perhaps be contradicted, that the divorce clause was not an important part of the bill. Some supposed that that portion of the bill was to be given up, and that their lordships had nothing to do but to inflict the pain and penalty of expressing an unfavourable opinion on the conduct of this illustrious lady, without following up the proceeding any further. Supposing it to be so, still their lordships must arrive at their conclusion by considering how the evidence bore on the facts stated in the

preamble of the bill; on that, and on that alone, could they decide.

"He denied that the indulgence now called for was necessary to that decision. If such an indulgence were granted, it must necessarily be reciprocal, and thus there would be no end to those proceedings. And when he heard what was going on around him in the world, he did not doubt but that the delay was called for with that very view by some of those persons with whom his learned friends were in communication. If Colonel Browne were allowed to be examined, every witness whose conduct was called in question, every individual whose name was mentioned in the course of these proceedings, would have a right to be heard in exculpation. Their lordships would have to send every three weeks to Milan, to to see how far the testimony of those persons could be shaken, or on what points it could be confirmed; and this unwieldy process, almost too unwieldy for the frame of man to bear, and almost too intricate for the mind of man to comprehend, would never be brought to a termination.

"They had been told that, though her majesty would be allowed no list of witnesses—though no specification of time or place would be afforded her—though no particular offence would be pointed out to her—still she should not suffer by this proceeding, because she should be allowed almost her own time to bring forward her defence, and to conclude it. That time had now come. The circumstances of her majesty's defence had been developed, as far as it was in the power of her majesty's counsel to lay them before their lordships; and they, in the exercise of their discretion, thought they had a right now to bring that defence to a close. Were they, then, at this moment, to be again deluded and deceived? Three years ago the Milan commission was sitting; and, instead of stating that her majesty's counsel could, in the opening of the defence, have adverted to the evidence of Pomarti, it would have been better if his learned friends had inquired whether Pomarti was in the country when that opening was made. It was competent for them to have done so; and, had they adopted that natural course, they would have found that the fact was not so. They would have learned that Pomarti had not arrived in time to enable his learned friend, Mr. Brougham, to have made such a statement. But, looking to every other part of his learned friend's opening, it was quite clear that the conduct of the Milan commission was intimately concerned with this proceeding; it was most evident that its character would be frequently referred to; and, if his learned friends were not ready to defend the conduct of

the commissioners, was the queen to be subjected to the excruciating torture of a still longer delay? The question was, as his learned friend had stated it, 'Are you, or are you not, an English court of justice?' If they were so, let any instance be pointed out, in an English court of justice, where the defence made against a prosecution was assigned as a reason for delaying the decision.

"It was fit that their lordships should look a little to the mode in which this case had been conducted. When he and his learned friends proceeded with the defence, they asked for no indulgence; they demanded as a matter of right to state those facts, the introduction of which was made the foundation of the proposition for delay. If they had no right to do so, why had they not been stopped? Surely they ought then to have been told, by the other side, 'You must now make your election, and proceed as you think proper, either to call those witnesses, or to abstain from doing so; but we now apprize you, that if you intend to call them, a longer time will be required, in order to enable us to contradict their evidence.' They ought to have been told that such an election would be admitted. They were not, however, asked to make any such election—no such notice was given to them; but they were now taken entirely by surprise, as they had before been by the application relative to the fictitious witnesses from Lugano, about whom they heard not a word until the application for delay was made. Without having previously uttered a word relative to those supposed witnesses, the counsel for the bill were allowed all the credit of having summoned them, and of being deprived of their evidence merely by adverse circumstances. This was a fair subject of complaint, because her majesty's counsel could not have calculated on such an application; neither could they, in the present instance, have contemplated that a delay would be demanded. He relied on what they had frequently heard declared by their lordships, namely, that they were in a court of justice; and he called for equal and impartial justice.

"From the beginning, her majesty's counsel had no such indulgence granted to them, and he hoped that it would be refused to the other side. In the first instance the queen desired that the whole proceeding should be delayed till all the evidence was collected, for the purpose of at once bringing the case to a conclusion, as if it were in an ordinary court of justice. That was, however, denied. The prosecution was then allowed to go on; the charge was completed, and time was given for the defence. Good God! would their lordships now, after the prosecution was completed in all

its parts—after the case had been opened in the strongest terms by the Attorney-General—after evidence had been heard in support of the charges—after the Solicitor-General had summed up with all his ingenuity—after that summing up had been laid before their lordships and before the country, unanswered, for some time—would they now, after all this, grant a further delay? All the consolation they had, when the proceedings for the prosecution were closed, was derived from the statement, that, if her majesty's counsel could prove the charges which were then sent forth to the country to be infamous slanders, they could have nothing to fear from their lordships at the termination of the case. Her majesty's counsel had demonstrated by evidence, they had demonstrated by argument, they had satisfied the country, they had satisfied all posterity, that her majesty had been foully and falsely accused; and he now called on their lordships to pronounce a verdict of acquittal."

The Attorney-General replied. He principally dwelt upon the circumstance of the counsel against the prosecution not having at first stated that they meant to bring forward charges of a conspiracy for subornation of perjury. He also complained that he had been accused of having formerly made an application for delay, founded on a representation relative to fictitious witnesses, said to be expected from Lugano. He denied that they were fictitious.

After some observations from the Lord Chancellor and Earl Grey, the house took till the following day to consider of the propriety of granting or refusing the delay required by the counsel for the prosecution.

Adjourned.

FORTIETH DAY,—TUESDAY, OCT. 24.

Earl Grey thought it would be fit for their lordships to have before them all the depositions which had been submitted to the secret committee, in order to compare them with the evidence subsequently given by the witnesses, before they could attempt to come to a decision in this case. He merely said thus much with a view of directing their lordships' attention to the subject, on which it was his intention at a subsequent period to make a motion, and of which he now gave notice.

The Lord Chancellor, after the most mature deliberation, thought it would be injustice to the queen to grant the delay sought by the counsel for the prosecution.

The Earl of DARNLEY took this opportunity to enter his individual protest against any further proceeding, upon the three following grounds:—1*st*, The difficulty of pursuing the clue of the evidence which had been collected for the prosecution, and ascertaining whether subornation of perjury had not been committed: 2*dly*, The abstraction of Rastelli: 3*dly*, The failure in procuring Baron Von Ende as a witness for her majesty. Any one of these grounds, he thought, ought to be sufficient to induce their lordships to reject the bill; but, taken altogether, they were irresistible, and rendered it palpable that substantial justice could not be done to her majesty.

The Marquis CAMDEN made an eulogium on Colonel Browne.

Lord HOLLAND deprecated this mode of proceeding. From all discussion on the transactions in which Colonel Browne appeared to have been engaged, he would refrain; but, in doing so, he thought that the friends of Colonel Browne in that house ought also to refrain from panegyric.

It was decided by the house that the delay required by the counsel for the prosecution could not be granted.

Counsel were called in; and the counsel in support of the bill were informed, that the house does not think fit to grant the delay proposed, but that it is the opinion of the house that they should now proceed.

Captain *Thomas Briggs* was again called in, and further examined by Mr. Attorney-General as follows:

You have stated that you commanded the Leviathan at the time that her royal highness was on board that ship? I have.

Do you remember Lieutenant Hownam being on board that ship with her royal highness? I do.

You have stated that Pergami also was on board that ship? I have.

Do you recollect having any conversation with Lieutenant Hownam upon the subject of Pergami? I do.

Was it a conversation about Pergami's being admitted to a seat at her royal highness's table? It was.

State what Lieutenant Hownam stated to you upon that occasion? I observed to Lieutenant Hownam in a conversation, that Captain Pechell had told me that Pergami stood behind his chair when the princess was embarked on board the Clorinde frigate, and I asked how it was that he was now admitted to her royal highness's table? upon which he replied, that he was sorry it was so, he was sorry the princess had admitted him, that he had entreated her on his knees, and with tears in his eyes, not to admit him to her table, but to no purpose.

Did he state to you when this happened? No, he did not state the immediate time.

To the best of your recollection, what did he state? To the best

of my recollection, he told me it was the day in which the situation of Pergami was changed, that is to say, the very first day that Pergami dined with her royal highness at table.

CROSS-EXAMINED BY THE ATTORNEY-GENERAL OF THE QUEEN.

When did this conversation on board the Leviathan happen? It happened when the ship was on her voyage between Port Ferrajo and Palermo.

What year was that? In 1815.

What time of the year? The month of November.

Who was present at the same time? I do not recollect that any one was.

Try and recollect? We were in conversation together walking the deck, Mr. Hownam and I, as we occasionally did, after I became acquainted with him.

You frequently used to walk with him on the deck, talking on various subjects? Occasionally, not very frequently.

It is not meant every half hour? No, not every day.

Occasionally? Yes.

You do not mean to represent this as the only conversation you had with Lieutenant Hownam? No.

Neither before nor since? No.

Had you frequent conversations with him since that? Yes.

You have seen him since? Yes, he came down to me from Brandenburgh-house, and wanted to find out the nature of the testimony I meant to give here, on which I declined having any conversation with him on the subject; it was about seven in the morning he came to Portsmouth; on his taking his leave of me, he said, he should feel obliged if I would tell him whether any alterations had been made in the cabins of the Leviathan, for that he did not recollect that there had been any; upon which I expressed my surprise, and brought to his recollection that alterations had been made, and made in his presence; he took his leave.

In short, he had forgotten the circumstance you are now mentioning? I presume so.

You mentioned something to him about Captain Pechell and Pergami; Captain Pechell had made some difficulties; had he not some objection to her royal highness having Pergami sit at table on board his ship? He positively would not sit down with Pergami; no objections to her royal highness at all, but to Pergami.

He positively refused to permit Pergami to sit down? I never heard him.

That was the subject of your conversation with Lieutenant Hownam? No, the subject of my conversation with Lieutenant Hownam was, that he stood behind the chair.

Were you not talking, upon that occasion, with Lieutenant Hownam, about the reason which had induced Captain Pechell to refuse to allow Pergami to sit down at his table? No.

I understood you to say, you began by saying that Captain Pechell had said to you that Pergami had stood behind his chair? Yes.

Did you not say so? Yes.

Therefore, you were talking about Captain Pechell and Pergami? We were.

And you were mentioning an observation Captain Pechell had made to you about Pergami? I was.

And that observation operated as a reason why Captain Pechell did not like Pergami to sit down at table with him, did it not? I cannot say it did, because it was long afterwards that Captain Pechell objected to sitting down with him; it was not at that time, it was after Captain Pechell met the princess the second time, which was at Messina.

Did you make any note of this conversation at the time it happened? None whatever.

And you are now speaking as to what you recollect at a distance of five years? I have a perfect recollection of that conversation.

When did you first repeat it again to anybody? I believe I have mentioned it several times in conversation.

Do you recollect any one of the times? I recollect it was brought to my particular remembrance from a letter I received, desiring to know whether such conversation had taken place.

About what time was that? I suppose about seven or eight weeks ago.

While this proceeding was going on? Since the house met the first time.

When did you first mention it after that you say that brought it to your recollection? I wrote it in answer. I was called upon to say whether such conversation had happened, and I wrote that it had happened, that it was true.

You say that letter brought it to your recollection? I did not mean that; the fact was never absent from my recollection at all.

It was never absent from your recollection a moment? I remember the conversation perfectly well, and have always remembered it; and when I was written to, to know whether such a conversation had taken place, I answered it, saying it had.

You say it was always in your recollection; will you name any other person to whom you mentioned it before that letter was written, seven or eight weeks ago? I have mentioned it once or twice; I mentioned it on several occasions; I perhaps could name who were present when I have mentioned such a thing; I remember once having told Sir George Cockburn it had happened.

You mean one of the Lords of the Admiralty? Yes; that is some time ago.

How long ago? I am at a loss to say; but I dare say many months ago, as many as four or five; but I had mentioned it long before I knew I was to mention it in this house.

Sir George Cockburn had been asking you some question upon the subject, had he not? No.

You began the conversation? We were talking; I forget what led to my mentioning it; I remember the fact of my mentioning it to him; I declare I do not know what led to it.

You have had the honour of dining with the king lately, have you not? I have, when he was at Portsmouth.

Since you were last examined in this house? Since I was last examined in this house.

RE-EXAMINED BY MR. ATTORNEY-GENERAL.

Have you the command of the guard-ship at Portsmouth? I have, the Queen Charlotte.

And had at the time his majesty was there? I had.

Did you, when you dined with his majesty, dine in company with other officers who had paid their respects to his majesty at Portsmouth?

Yes, all the navy who were at Portsmouth; every one of the captains, without exception.

EXAMINED BY THE LORDS.

Earl of Morley.—When the conversation took place between yourself and Lieutenant Hownam, did anything pass which indicated the period or place at which Pergami first dined with her royal highness? No.

Can you take upon yourself positively to swear, that the words spoken by Lieutenant Hownam were, "I had gone down upon my knees to implore her royal highness so and so," and not the words "I could have done so?" I understood him to have said, he had entreated her royal highness upon his knees, and with tears in his eyes.

Earl of Darlington.—You were understood to say, you had kept no memorandum of the conversation that passed at that period between you and Lieutenant Hownam; you were also understood to say, it was in the month of November, in the year 1815, being now five years since the conversation passed; have the goodness to say, whether you think that you can recollect private conversations that have passed five years since, common conversations between you and another? Generally speaking, I cannot; but I have a perfect remembrance of that, from the circumstance of having called his attention to what Captain Pechell had told me.

Earl of Morley.—Did Lieutenant Hownam or not state to you, that the first time at which Pergami dined at the table of her royal highness, it arose from circumstances that occurred accidentally at the moment, or in consequence of the previous arrangement? I understood him to be giving an answer to a question I had asked him, and I understood it to have happened on the day the change took place from his being a servant to becoming a companion.

The witness was directed to withdraw.

Mr. Attorney-General stated, that, as the case now stood, he should not trouble the house with any more witnesses.

The Attorney-General of the Queen stated, that it naturally arose for him to say whether he had any evidence in rejoinder to give in this case, to rebut anything which had now been proved, and that, under the circumstances in which he was now placed, he had no evidence to tender.

Mr. Denman then proceeded to address their lordships. "Under any circumstances in which it was possible for any advocate to be called on to discharge the solemn duty then imposed upon him, he was sure that it would be unnecessary to request the merciful indulgence of their lordships to the individual who had to address them; and perhaps there was something in the peculiar circumstances under which he himself came forward, which made it more fitting and necessary that he should receive an ampler portion of that indulgence, of which he was fully sensible that he stood so much in

need. For certainly, after the application which had been yesterday made, and the wish which had been yesterday expressed by the Attorney-General, that all the evidence he had to offer in contradiction to that offered on behalf of the queen should be postponed until their lordships had decided whether the evidence of Colonel Browne should be received or not, it was only natural to expect that, besides the *solitary* witness whom he had called to a *single* point of evidence, there might have been a considerable mass of contradictory testimony to consider, especially as the whole of his (the Attorney-General's) cross-examination of the witnesses for the defence was such as led plainly to the inference, that it was intended to go at length into evidence in reply, and was, therefore, such as kept his (Mr. Denman's) attention continually suspended, and diverted his mind from that connexion with the case made upon the other side, which it was necessary for him to preserve, in the contemplation of being required to proceed immediately with his summing up. He did not pretend to make any complaint of that circumstance; because during the time that had elapsed in proof of the accusations against her majesty, and likewise of the defence, he should have been deficient in his duty as the queen's counsel if he had not paid the closest attention to the whole of the evidence.

"He should, therefore, without further preface, proceed to make his remarks upon the whole of that evidence; evidence which (he said it boldly) had satisfied his mind, had satisfied the minds of his learned friends with whom he acted, had satisfied the minds of all the people of England, and those too of all the civilized nations in the world, who were looking with a deep interest on these momentous proceedings, that his illustrious client had established such a defence, as made it imperative on their lordships to give her a most complete acquittal of all the charges which had been preferred against her. He wished to proceed to that examination with all that calmness and deliberation, and absence from all personal feeling and violence, which were so necessary to be observed, in order to obtain a complete investigation of the truth. But it was not to be expected that, in the many interlocutory contests and debates which had arisen in the course of these proceedings, there might not have been exhibited a tone and a temper for which an apology was requisite; but it was no other than the enormous magnitude of the case, and its tremendous consequences to his illustrious client and the country, and the deep anxiety with which an advocate must be overwhelmed in coming to the consideration of it.

"They had been charged with making use of invective,

declamation, and violence, for the purpose of producing an effect, not in, but out of, doors; nay, he begged leave to state, that his learned friend had seemed to think that, on some occasions, they had borne personally too hard upon him; but he must disclaim all intention of bearing hard upon him, or of casting any imputation upon his honour and character; and, therefore, if, from what fell from him yesterday, he (the Attorney General) supposed that he (Mr. Denman) questioned his veracity, he begged to say, that if anything that dropped from him at that time could be clothed with such a supposition, and could warrant such an assumption, he unequivocally retracted it before the assembly in the face of which it was made, and was sorry that any language of his should have led to such a mistake. (Hear, hear.) He had no intention of giving uneasiness in any quarter; but he must say, he felt it deeply and often in the course of this proceeding. It was, therefore, impossible for a man not to ask indulgence for any warmth into which he might have been betrayed; bebause the illustrious individual who was their client had been, from the first moment in which she had set her foot in this country, the victim of the most cruel oppression, and the most dreadful and irreparable wrong. That galling recollection had attended them through the whole of these proceedings; it must be their excuse for any undue warmth with which they might have expressed themselves: and having said that, he should proceed, without any further apology, to their case itself. But, whilst he disclaimed all personal imputation on his learned friend, he claimed the right of adverting, with the utmost freedom, on his conduct as an advocate, inasmuch as from the conduct of an advocate not only the impressions of his mind might be collected, but also much of the nature of the instructions under which he acted, and of the spirit in which the prosecution had been commenced and conducted to its close. To have to conduct a case in such a spirit he conceived to be a misfortune, for which no rewards, no honours, could afford an equivalent; a misfortune which had weighed down his learned friend throughout the whole of these proceedings; a misfortune to which he declared, before God, that nothing within the scope of human ambition could have tempted him (Mr. Denman) to have submitted for a single moment: he meant the office of prosecuting this Bill of Pains and Penalties, to divorce and degrade the wife of the King of England.

"In order to see the nature of the proof brought forward in support of that bill, their lordships must look to the charges contained in the preamble; and, in order that they might

fully understand them, he must refer them to the manner in which the indictment against his illustrious client was drawn up. It stated that her majesty, 'while at Milan, in Italy, had engaged in her service an individual in a menial capacity, and that, while in that situation, a most unbecoming and degrading intimacy soon commenced between her royal highness and that individual; that he was not only advanced to a high situation in her royal highness's household, but that he was received by her royal highness with great and extraordinary marks of favour and distinction; and that she, unmindful of her exalted rank and station, and wholly regardless of her own honour and character, had conducted herself towards him, both in public and private, in the various places and countries which she visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the said Pergami, by which conduct great scandal and dishonour had been brought upon his majesty and this kingdom.'

"He was aware that their lordships were now, upon the second reading of the bill, and that, in addressing them he had only one simple question to discuss—namely, whether the allegations in the preamble were at all made out by the evidence adduced in support of them? It had been stated, (and the whole preamble went to charge it), nay, it had indeed been proved, that Pergami had entered in a menial capacity the service of her royal highness, and that he had been afterwards promoted; that several of his relations had been taken into her service; and that he had received several marks of favour, both himself and his family. But when the next clause in the preamble came under consideration, that clause which stated that Pergami had received titles and orders of knighthood through the influence of her majesty, he thought that it was only fitting that some evidence should have been given, that they were really obtained by that power and that influence. All that their lordships had heard was, that at one period he was without titles, and that at another he possessed them. There had not been a tittle of evidence to shew how he had obtained them, or that her royal highness had been instrumental in procuring them for him; except, indeed, such evidence were to be found in the circumstance of her royal highness having conferred upon him the honour of knighthood, which she was said to have instituted, without any legal right or authority so to do. But before that clause of the preamble which charged this occurrence could be considered as a crime against her majesty, he thought that they ought to have heard something to prove

that none but royal personages had a right to institute orders of knighthood. In the course of his historical inquiries he had never met anything which led him to believe that this was the prescriptive right of royalty alone; on the contrary, he had found that it had been exerted by many individuals of inferior rank. In France, several orders had been established by persons in a capacity infinitely more humble; and also in Italy by three merchants, brothers he believed, though he did not at that moment recollect their names, all which went to prove, that there were precedents for the establishment of orders of knighthood by private individuals.

"He treated this part of the accusation with seriousness, because it was so treated in the preamble of the bill, and because it was there charged against her royal highness as an unparalleled infringement of royal authority. When this was the first instance within six centuries of an European princess visiting the Holy Sepulchre, there could surely be no crime if she, delighted with the adventure, and struck with the novelty of all around her, did that which the Dukes of Orleans or of Bourbon had done before her,—institute an order of knighthood to reward those who accompanied her. He could hardly suppose that this could be visited with any peculiar severity against her royal highness, though it was the charge against her which had been best proved. Bacon had said, that 'princes had many times made to themselves desires, and sate their hearts on toys, sometimes upon a building, sometimes upon erecting of an order.'

"The illustrious lady, his client, was proved to have erected an additional wing to the Villa d'Este, which he understood to be in the best taste, and to do no discredit to her royal highness's judgment, however it might differ from some of those buildings which had been recently erected in this country. And to the order which she had established, it was merely inserted to swell out the preamble, and ought not, therefore, to attract any more of their lordships' notice.

"When he came to the next clause in the preamble, he came to that clause which charged her majesty with indecent conduct and adulterous intercourse, and that he believed to include the real question on which their lordships were then assembled to decide--namely, whether the adulterous intercourse had taken place at all? and then, whether it had so taken place as to bring scandal on the king, and dishonour on the people of England? And here he could not help observing, that her majesty's counsel approached to that issue under all the disadvantages under which it was possible that a

defendant could labour, inasmuch as they were in utter darkness of all the charges which they were called upon to meet, up to the very hour of the trial. The opening speech of the Attorney-General was the first specification of the charges which they had to refute—and that, too, not a specification of the witnesses who were to support them—for his learned friend had not mentioned the name of a single witness in the whole course of his speech, but a mere specification of the charges against which they had to defend their illustrious and injured client. He should therefore refer to the speech of the Attorney-General, as to the case which he was called upon to answer: and the only way in which he should do it would be by observing on the statements which it contained, and on the manner in which they had been supported by the witnesses he (the Attorney-General) had produced.

"The first case, or the first count, or the first overt act of high-treason which had been charged against her majesty, was the alleged transaction at Naples: and certainly there never was a series of facts more likely to make a deep impression upon an audience than that which had been detailed to their lordships by his learned friend. That detail not only made it clear that the adulterous intercourse charged in the bill occurred on that very night, but gave a semblance of colour and probability to all the circumstances which had followed it. For what was the statement of the Attorney-General? He had said that the person whom he charged as the paramour of her royal highness, and who before slept at a distance from her royal highness, was on that night removed to a chamber near her—that the boy Austin, who before slept near the person of her royal highness, was on that night removed by her desire—that on that night she had returned at an early hour from the opera—that her maid, who happened to be present, observed her to be greatly agitated—that her royal highness retired to her chamber, and hastily dismissed her attendant: and then came the remarkable addition to the maid's testimony, which was—according to his learned friend's statement—that on the following morning it was discovered her royal highness had not on the preceding night occupied her own bed; but that in the larger one there were found decisive marks of its having been slept upon by two persons. The princess on that morning was not visible at an early hour, as usual; that she remained locked up in her room until late in the day, and did not then receive the several persons of rank who called to pay their compliments upon her royal highness's arrival at Naples; and during that forenoon Pergami was missed from the breakfast-table of the

servants. What followed in his learned friend's speech came naturally enough after these proceedings—namely, that Pergami's conduct became altered, that he assumed an impudent and overbearing manner towards the other domestics, and conducted himself with intrusive and improper familiarities towards his royal mistress.

"Such were the charges that had been opened, confidently opened by his learned friend, the Attorney-General, and which, doubtless, if proved by the witnesses for the bill, naturally led to only one conclusion. But he asked their lordships, did that result follow in this case? or were not, on the contrary, all the facts which were capable of refutation clearly and unequivocally contradicted by her majesty's evidence. From the evidence on the part of the queen it was clearly proved, that, instead of the change of the apartments having taken place with her knowledge and authority, it was done of his own accord by her majesty's housekeeper, in the bustle of a new arrival, to provide more accommodation, and altogether without her majesty being consulted on the subject? If, therefore, it should appear that this arrangement was made by Mons. Sicard, without the princess's knowing any thing whatever of the matter, what became of his learned friend's statement of this part of the case in his opening speech? Then, as to the removal of Wm. Austin from sleeping in the same apartment with her royal highness, what became of the statement that this change was made for the first time on the princess's arrival at Naples, when it was shown to have previously and repeatedly taken place before her royal highness's arrival at Naples, whenever the travelling accommodations admitted the change? and this was most properly done upon the remonstrance of her royal highness's chamberlain, who thought the age of Wm. Austin rendered it necessary—he being then 13 or 14 years of age—that he should be provided with a chamber apart from that of the princess. There was, so far, an end to the novelty of Austin's separate room on the princess's arrival at Naples.

"If, then, it should also appear that the princess, so far from returning early from the opera, remained there until the close of the performance—if, instead of secretly coming home, she returned, as Sir Wm. Gell, who accompanied her, deposed, in the same state in which she went to the theatre—if, instead of Demont being in waiting to attend, she was called up for the purpose, and that Sir Wm. Gell actually escorted the princess to the door of her apartment—if, when all these things met their lordships in proof on the minutes of the evidence, and that, from the same authority, it should further appear that

no agitation was observed at the time alluded to in the princess's manner, nothing unusual or particular seen in her conduct that night, no oversleeping on the following morning, no refusal to see persons of rank who came in the forenoon to pay their respects, no missing of Pergami from the servants' breakfast-table—then, after their lordships saw all this in proof, had he not a right to say that the witness Demont's story stood so covered with contradictions upon all those facts, which were, from their nature, capable of being repelled by evidence, that on the only remaining parts of it, which, from her saying she was alone at the time with the princess, were incapable of being met by direct contradictory evidence, she was utterly disentitled to any belief? The princess's manner, she said, was agitated. Now, in the first place, it was not easy to depend upon one person's opinion of the manner of another; that was a very difficult sort of testimony to rely confidently upon under any circumstances; but when every part of Demont's testimony which came within the co-observation of another was utterly and effectually contradicted, what reliance in any degree could be placed upon the slightest part of her long and oft-contradicted examination?

"In referring to the mass of details which lay in the minutes before their lordships, he feared he must necessarily become tedious; but he knew that they who had witnessed the whole proceedings would see the necessity of his recalling their attention by reference to such parts of the evidence as bore upon the case of his illustrious client. If in any part of his reference he should fall into unintentional error, he should not consider it any interruption, but, on the contrary, a serious favour, to be set right as he went on, either by his learned friends at the other side, or by any of their lordships. His object, in now alluding to the evidence, was not to get rid of the effect of these things by showing how incredible, how impossible was their occurrence in the manner stated by his learned friend; but shortly and simply to show, that not only was the opening case not proved by the evidence adduced to support it, but that many parts of it were expressly negatived out of the mouths of the Attorney-General's own witnesses to substantiate his own facts, as well as out of those of the witnesses brought forward in behalf of her majesty.

"By referring to the evidence of Sicard, they would find the two charges fully and unequivocally negatived, respecting the change of the apartments at Naples, and the bed in the cabinet. In Mr. Keppel Craven's evidence, they would find the recommendation at a previous period, that it was proper W. Austin should be placed in a separate sleeping-room, for that

his age at that time rendered it unfit that he should sleep in the same room with the princess; and from this part of the evidence it would also be seen that this proper recommendation had been acted upon, particularly in Germany. In the evidence of Sir W. Gell and Mr. Craven, there was demonstrative proof that these gentlemen had remained with the princess until the close of the opera at Naples, and for reasons that rendered their testimony conclusive. Then, again, came the total absence of all proof that Pergami was absent the following morning at breakfast-time, and the flat and strong contradiction that any change in his behaviour had been observable at that time, either towards his mistress, or any of his fellow-servants—a change which would have been most natural indeed, if the facts, as opened by the Attorney-General, had any foundation in fact. He adopted fully the opinion of his learned friend that such would have been the demeanour of Pergami, had he been permitted by his mistress to take those liberties with her which laid the ground of this charge. But there was scarce a page in the minutes of evidence before them, which did not go to negative any such conduct, and of course to destroy the inference that was drawn from it. From first to last, from the time at which he occupied an humble station in the household, up to that when he was honoured with a higher and more confidential place, his whole conduct was distinctly proved to be that of an humble and respectful servant to a mistress who was kind and affable it was true, but who, in her affability, never lost sight of her proper dignity. Mr. Craven's evidence on that point was quite conclusive. That witness, when asked whether Pergami's manners at the outset were those of a gentleman, very properly answered, 'I do not know what can be meant by the manners of a gentleman in a courier; I know he conducted himself well as such, and afterwards when I met him at her royal highness's table his conduct was unexceptionable.'

"With respect to what Demont deposed respecting the two beds—namely, that no person slept on the night she mentioned in the princess's small travelling-bed, but that two must have slept in the large bed, from the tumbled state in which it appeared—it was a little curious that, if the princess were guilty of the crime imputed to her, she should have left such proofs open for her detection, such marks calculated to excite observation, when they might so easily have been obviated. He should show that this part of the statement was altogether improbable, and utterly disentitled to any credit. It was also ludicrous to attach any value to her statement upon that point, after the manner in which she shook

her evidence in her cross-examination by his learned friend Mr. Williams. Was it not also remarkable, that until the 3d or 4th day of her examination, she should have withheld those remarkable appearances on the counterpane, which, if true, were so important for the purposes of the prosecution, and must necessarily have been communicated to the Attorney-General in the previous depositions of Demont? How did it happen, then, that the Attorney-General, in his questions to the witness, entirely overlooked such unquestionable proofs of the criminality which it was his duty to establish? He must have had these depositions of Demont's evidence before him. How did he then omit such a question? for surely, if she could speak to such a fact, she must have long before mentioned it to the agents for the prosecution. It was for his learned friend to have explained so singular and extraordinary a circumstance. Indeed the adage was never more verified than in the reflection which this witness's testimony excited:—

"Calumniando semper aliquid erat."

Though her testimony was disproved, still unfortunately the experience of human nature shewed that sufficient traces of the evil inflicted would long remain—traces for which indeed his illustrious client could receive no adequate reparation, which no punishment of the parties would atone for, no time sufficiently efface. What could atone for the statement of the Solicitor-General, who, after reciting the falsehoods (for such he was now entitled to call them) of Demont respecting the princess's conduct on the night of her going to the theatre at Naples, had said that no man who heard him could doubt the fact, that on that night the adulterous intercourse commenced between her royal highness and Pergami, which was afterwards continued without intermission? When such strong statements were made, it became almost impossible for the mind to get rid of the impressions which they affixed upon it, the mind lingered with them often, notwithstanding their contradiction in evidence; and the melancholy reflection was, that their effect, so injurious at once to the feelings and peace of the object of them, survived the existence of the base surmises upon which they were founded.

"Never had there been, in the annals of any court of judicature, any opening statement of a case so miserably attempted to be sustained by evidence as this had been—never a case so satisfactorily disposed of by the conclusive evidence which was brought against it. Notwithstanding this complete destruction of the facts upon which the bill was attempted to be founded, still he repeated that his illustrious client must

suffer under the effect of such a prosecution, however satisfactory was her innocence established; and her feelings must be exposed to an indignant agitation which to her must be irreparable. The learned gentleman then quoted, in illustration of his opinion, the following observation in the *Quarterly Review*:—'To refute errors is no trivial task, for the labour is not very amusing. It requires more time and cost to repair an edifice than to damage it; and certainly more zeal to defend the calumniated than to raise the calumny. An attack, if it deserves notice, is necessarily lively, and our attention is raised by the air of novelty it carries with it; but a defence can only boast the honest intention of carrying us back to the same place we had formerly occupied; and nothing short of a miraculous demonstration will so completely eradicate a false or an aggravated charge, as to leave no traces of it behind in the minds of those who have long received the erroneous impressions.'

"He should now come to what he considered the second count of the indictment—namely, that which embraced the conduct of her royal highness at the masked ball she gave to the then King of Naples. His learned friend, in opening that part of the case, had said that, when her majesty wanted to make an entire change of her dress during that ball, she retired to an inner room alone with Pergami, in whose presence, unassisted by any other person, she changed her first dress, and put on one which was highly indecent. Here again he had reason to complain of his learned friend, for there was nothing in the evidence to sanction that statement. Was there ever any thing so disproved as this? The Turkish dress which the princess wore had nothing whatever indecent in its arrangement, and it was, during one part of the evening, the dress of some of the princess's suite. But it was said that Pergami, being offended at something that passed between him and the princess, retired from the ball—that he was followed by the princess, who ineffectually tried to prevail upon him to return to the company, and that her royal highness was herself obliged to leave him, having failed in her entreaties. Was there a single iota of evidence to sustain this statement? Could the princess have been for three-quarters of an hour absent on that night from her ball, without its being observed? But even if she had been so absent, was it likely she should have called her maid into the anteroom, only for the purpose of listening to her vain attempts to recall Pergami to the ball-room?

"It was said, that if Demont had sworn falsely, it was in the power of her majesty's counsel to call evidence to con-

tradict her. So they had, where she spoke of matters to which a third person was privy; but they had no power of contradicting her respecting statements where she represented herself as being the only spectator, except out of the improbability of her own story, which, fortunately, where there was not better evidence, was sufficiently decisive. Where was the use in pursuing cross-examination to any great length with a witness whose story was her own invention? To press her further was only to carry her further in her career of deception; for vain indeed must it appear to hope to confuse her memory after a three years' rehearsal. He recollected an anecdote of a particular friend, who, upon relating a circumstance, was informed that it was not true, and told by the person who made the observation, that he knew it upon as good authority as the other did. But the other replied, that so he might, for that he had himself invented the circumstance, and told it to that person. Demont then was like his friend the sole inventor; she was the historian; there was no going higher than the source; where was the use of ascending above the fountain? the more that the attempt was made to go back farther, the brighter became the ardour of this witness's invention. It did, however, so come to pass that both Sir William Gell and Mr. Craven, clearly shewed the falsehood of Demont's story of the ball-scene. From this evidence her whole story was rendered untenable; and it would be seen that Pergami, so far from quitting the ball-room, had remained like the other servants serving up refreshments to the company during the night. The Turkish dress of the princess too was disposed of with equal effect; for the trowsers, as they were called, consisted of a simple thread which marked a division in an ordinary petticoat, and had nothing in its shape bearing the smallest similitude to indecency.

"There was another point in the statement for the prosecution which had been greatly dwelt upon, namely, the story that the princess had been seen walking arm in arm in the garden with Pergami. This they had from that famous witness Majocchi. Demont said she only observed it once. Demont, in this part of her testimony, resorted to the old and dangerous artifices of engrafting her falsehood upon a small portion of truth. The fact was simply this—there were some trees planting in the garden, and repairs going on, respecting which the princess desired to give some instructions, and she went into the garden among the Italian workmen, accompanied by Pergami, whom the princess took there to communicate to the workmen, which she could not do

intelligibly in their language, the alterations she desired. Though Pergami attended her in the garden, it was false that he was arm in arm with the princess. If their lordships would please to refer to the testimony of Sir William Gell and Mr. Craven, they would at once discover the falsehood of the charge built upon the circumstance to which he had just alluded, and they would also find that the princess was, at that period, cautioned by one of these gentlemen against being seen even walking as she had walked with Pergami in the garden, and informed that her most innocent acts were liable to the greatest misinterpretation, as persons were then spying into her conduct with the worst views. They had also heard from the same witnesses who contradicted the story of walking arm in arm, that this garden was surrounded by the neighbouring terraces, and that, at the time spoken of, Pergami, so far from being walking arm in with the princess, was in attendance upon her, and walking after her as a servant upon a mistress.

"His learned friends in conducting this prosecution had repeatedly said that they had no interests to serve except to promote the ends of public justice. His learned friend the Solicitor-General had said, that his duty was not to impose or to influence by any distorted statement; all that was required of him was, that he should sum up the evidence with truth and accuracy, and then point out how it applied to the charges upon which the bill was founded. If it were not expected of him to incur any charge of this mis-statement, still less, he hoped, was it expected of him to use the slightest expression derogatory from the station and dignity of her majesty the queen. No such expressions should escape his lips. Indeed, no effort had been spared by counsel which ingenuity, dexterity, or management, could suggest to effect their purpose. He did not complain of the efforts of his learned friends in support of the bill. It was of course their duty to act upon the evidence submitted to them; that evidence came to them in the shape of instructions, and they were bound to manage them in the most dexterous way they could. His learned friend the Attorney-General had indeed taken manly ground, and it was pleasant to deal with such an adversary. The Solicitor-General, however, put the case upon a different footing. The one promised proof of what he meant to support in an authoritative form, but the other addressed their lordships in his summing up in the tone of a judge instructing a jury upon the facts on which they were to give in their verdict. The Solicitor-General said, in his summing up, that he hoped he might be allowed in conclu-

sion to say—and he said it from the bottom of his heart, and in the utmost sincerity—he sincerely and devoutly wished, not that the evidence should be confounded and perplexed, but his wish was that it should be the result of this proceeding that her royal highness should establish to the satisfaction of their lordships, and every individual in the country, her full and unsullied innocence. These declarations of his learned friends, the eager advocate on the one side and the impartial judge on the other, showed a division of labour between them. It was as if the one had taken the events of Monday, Wednesday, and Friday, and the other those of Tuesday, Thursday, and Saturday, under his special cognizance. The conclusion of his learned friend the Solicitor-General could not fail to have struck their lordships as being very remarkable; he had prefaced it by demonstrating, as he conceived, the impossibility of rebutting the facts set forth in the prosecution, and he had concluded with a sincere and devout prayer that her majesty might still be able to prove her entire innocence. This must be taken as a happy omen, for it was the first prayer that he believed had emanated for her majesty from any officer of the king's government, and he hoped it might be considered as a happy omen, which preceded the restoration of her majesty's name to the office of the church, from which it had been so improperly and illegally removed.

"The learned gentleman then said that he would recur to the minutes of evidence to impress still more strongly upon their lordships the glaring inconsistencies and contradictions which were to be found on the minutes of evidence in support of the bill. He now begged to direct the attention of their lordships to what he would call the third count of the charge. Demont stated that she had seen Pergami in the passage leading to the princess's room. This was insisted upon as a most material part of the case: their lordships would now see how the case stood, as it appeared on the minutes:

'Do you remember ever seeing Pergami at night in the passage of which you have made mention? I do.

'Where was her royal highness at that time? In her bed-room.

'Was she dressed or undressed, or in what state? She was undressed.

'Where were you standing? I was near to the door of her royal highness.

'Where did you see Pergami? I saw Pergami come out of his room and come into the passage.

'In what direction? towards the princess's room, or how? He was going towards the bed-room of her royal highness.

'What was the state of Pergami's dress at the time you saw him going towards the bed-room of her royal highness? He was not dressed.

'When you say he was not dressed, what do you mean? what had he on? He was not dressed at all.

'Do you remember what he had on his feet? Slippers.

'Do you remember whether he had any stockings on? I saw no stockings.

'Had he any thing on more than his shirt? Nothing else.

'You have said that the princess at that time was undressed; had she got into bed or not? She was not in bed.

'When you saw Pergami coming along the passage in the direction of her royal highness's room in the manner you have described, what did you do? I escaped, by the little door which was near me, out of the apartment of the princess.'

"This," continued Mr. DENMAN, "was the account given by Demont; but, in her cross-examination, his learned friend Mr. Williams drew from her that she went towards Pergami instead of retreating from him. She also said she escaped; she never went to see where Pergami was going; but she, to use her own words, 'escaped.' Was it possible that from this circumstance their lordships could believe that adultery was committed on that occasion? Supposing the whole of this account to be true, what was there in it to show any adulterous intercourse between Pergami and the princess more than between him and any other woman? He maintained that the facts, taken in the most extended view, did not bear out such a conclusion: and, indeed, something of this kind must have been running in the mind of Demont herself when she said she escaped from Pergami.

"Would it, he asked their lordships, be required of his illustrious client, at the end of six years, to give an exact account of the particular acts and situations, not only of herself, but of every one of her suite for all that time. What was there in the fact of Pergami having been seen out of his room? If he had been seen thus circumstanced in the room of her royal highness, there would be no need of going further, but he was only seen out of his own room; and he demanded of their lordships whether, looking at this as it was stated, it was a fact of such importance that they should consent to a measure which would pluck her majesty from her throne because she could not account for Pergami's being out of his chamber at a particular hour. The proposition was monstrous. But it seemed that his learned friends on the other side did not themselves place much reliance on this part of the story as first told by Demont, and accordingly they resorted to a new mode of mending their case; and here he could not but complain of the disingenuous means to which they (the counsel for the bill) had recourse in this part of the case—means which he was satisfied would never have been allowed in any of the courts below. It was the invariable

practice in the courts below that no question should be put to a witness in a re-examination which did not arise out of the cross-examination. If any thing had been omitted upon questions which were to be put in the re-examination it was usual to give the counsel cross-examining notice of it, or to ask it through the court; but in the present case no such thing was done; and in the re-examination his learned friend, the Solicitor-General, took the witness back to Naples, and, referring to the account which she had given of the scene in the passage, had asked her whether she had observed any thing done to the door (of the passage) after she went out of it? To which she, whose memory was of course much improved by the interval of a day or two, answered, that the door was shut, and, not only shut, but that it was shut on the inside, and that she heard the key turned in it. The object of this was to shew that Pergami, by appearing in the passage, could not have intended to seek Demont, but must have intended to visit the room of her royal highness. Now he contended, that there was no judge in Westminster-Hall who would have suffered a witness, two days after her examination in chief, and after she had seen the effect of her former evidence, thus to be examined as to matter entirely new, and which in no manner arose out of the cross-examination; matter, too, to which she might have been prompted as an important adjunct to her former statement. If such a case were to come before the Lord Chief-Justice, or any other judge, he would instantly have prevented the party from putting the question. It was, however, allowed to be put here; and what was before, at the most, only a case of mere suspicion, was thus attempted to be turned into something of positive criminality. He felt it his duty to advert to this instance as extremely disingenuous on the part of his learned friends. He would for the present leave it, and go to another part of the case, as it was his object to pursue facts.

"He now called their lordship's attention to another part of the evidence, which was relied upon as proof of adulterous intercourse. He alluded to that part where her royal highness was described to have visited Pergami during his illness; for even illness, it seemed, was not to prevent the continuance of this degrading connexion. Her royal highness was said to have visited Pergami's room twice on this occasion, and to have remained each time just long enough to have yielded herself to his embraces, as it was meant to be inferred. But was not this part of the case fully answered by the evidence of Dr. Holland? He (Dr. Holland) posi-

tively swore that, to his knowledge, her royal highness never entered Pergami's room during his illness. Was this a satisfactory answer to their lordships? The next statement of that wretched discarded servant, Majocchi, who swore to having seen her royal highness passing through his room twice in the night, on her way to Pergami's apartment, would their lordships call upon him to reply to this? Good God! if such an account were to be credited, what safety was there for the life and character of the most innocent individual? Was it credible that, if her royal highness sought Pergami's room for the purpose alleged, she would have chosen to pass through the room where a servant slept, or pretended to sleep, where there was a fire and a light, and where she ran all the chance of detection, and this on two occasions in the night; and all this was done too by a person who was said to be endeavouring to screen her guilty connexion with this individual? So that, for the very purpose of secresy, she went where she must have been inevitably detected. Would, he repeated, their lordships call upon him to give any reply to such a statement? The thing carried its own falsehood along with it. There was then, in support of it, the account of kissing. This was mentioned as having been heard in the opening speech of the Attorney-General; it was said that a witness would prove the having heard kissing, after her royal highness had passed through the room. The throwing in a few kisses was, no doubt, likely to encrease the proof; but the witness only heard whispering. He did not hear what he might have heard, if it had taken place. But why, he asked, had not Dr. Holland been called in support of the statement of Majocchi? Dr. Holland was in attendance on Pergami, and he might have supported his (Majocchi's) testimony, as to the visit of the queen to Pergami, if it had so taken place. Why, then, had not Dr. Holland been called on the other side? After the undertaking, which was first given by his majesty's ministers, and subsequently by the law-agents in conducting the prosecution, that all the witnesses should be called who could state any circumstance connected with the case; why, then, after those repeated undertakings, had not Dr. Holland been called? Surely he was as respectable a witness as Majocchi. Why did they not call for the testimony of those respectable ladies who had attended her royal highness; some of those who had been placed in attendance on her by her royal husband, and who must have had the best opportunities of observing her conduct, who could have described what that conduct was? The counsel for her majesty could have no objection to their stating all they knew

respecting her royal highness's conduct; there would be no confidence violated. These were not called; but their lordships were told, that there was sufficient ground for passing this bill upon what was called a *prima facie* case, supported by such detestable witnesses as he had described.

"Their lordships had heard of a secret staircase, and the inference which was attempted to be drawn from it. Now, he would suppose that any one of their lordships were called upon to account for the arrangements of their houses and family at the distance of six years; suppose they were accused of some crime connected with such arrangements, and without notice of the places or particulars of such accusation, could they point out accurately what those arrangements were after the lapse of such time? Ought any one, under such circumstances, to be convicted because they were unable to give such particulars? The greater the innocence of the party, the greater would be the difficulty in proving it. Guilt was always cautious and wary; it was scrupulous in contriving such means as might continue to screen itself from detection. Innocence, on the contrary, confident in itself, was improvident; it neglected, very naturally, to look for protection to such circumstances where no danger could be apprehended. It was not, therefore, to be expected, that an innocent person could be prepared to enter into a detail of every circumstance connected with his conduct; and, least of all, could it be fairly required in such a case as the present.

"It was sworn by Majocchi, that Pergami dined at the table of her royal highness at Genoa, and every day after. Now this circumstance was most positively contradicted by not less than three most respectable witnesses. It was contradicted by Dr. Holland, by Lieutenant Hownam, and by Lord Glenbervie. Here were three positive contradictions by witnesses whom it was impossible to suspect. What did this prove? Did it not clearly shew to their lordships, that this wretched man (Majocchi) was determined to do something worthy of his hire—something which would be a sort of return for the payment he received? He, therefore, swore to what he knew must have been false; and was this palpable perjury to be answered? was this man's credit to be bolstered up by such remarks as had been made by the Solicitor-General on what his learned friend had said respecting the frequent *non mi ricordos*. Neither he nor his learned friend objected to Majocchi's want of recollection; they did not blame him for his forgetfulness alone (for any man's memory might be frail); but Majocchi's memory was remarkably acute; his recollection of times and places was most asto-

nishing. He spoke to the most minute circumstances of time and place for a series of years; but this recollection was all on one side. On the other he could recollect nothing; no, not even the most remarkable facts; all were lost to his memory when he came to be cross-examined. This was the reason why his learned friend (Mr. Brougham) had dwelt so much and so justly upon his *non mi ricordos.* It was here that Majocchi gave the most decided negative to the truth of his own story, for he (Mr. Denman) believed that in the whole course of his life he had never met in any court a witness whose evidence was so completely demolished by himself as was that of this man. This was the contradiction which their lordships would weigh. In every case where he spoke of what took place in the presence of a third party he was contradicted, but who could contradict him, who could disprove that which he swore he alone saw? How was it possible to say that he was not, as he said, half asleep when he saw her royal highness enter his room? What did their lordships think of the accuracy of this man's memory when asked as to the having received money from Lord Stewart: "I remember to have received no money when I arrived at Milan; I remember I did not; *non so,* I do not know, *piu no,* more no than yes—*non mi ricordo,* I do not remember." Was this answer a proof of a frail memory? or did it not show that the witness who had so sworn was anxious to do something to earn the money he had received by giving his wretched deposition in support of this case? He (Mr. Denman) would not, now go into this part further. He would afterwards have to call their lordships' attention to what he should show was a conspiracy.

"It was not necessary for him to go into detail with every circumstance respecting this man's testimony; but there was one to which he wished to call their lordships' attention. They had heard the seeming accuracy with which he had described the bed-rooms in several places through which her royal highness had passed; but at Civitta Vecchia, Porto Ferrajo, Rome, and several other places, he could give no account whatever of the disposition of the rooms. If this alleged adulterous intercourse were still followed up, it must have led to similar dispositions of the apartments, as it was manifest that it could not have been carried on in open day: but of such dispositions Majocchi could not recollect one word. This was the frailty of memory, the wilful and corrupt forgetfulness of which his learned friends had complained.

"There was one part of the case which had nearly escaped

his recollection; their lordships would bear in mind that in the opening statement of the Attorney-General great stress was laid on the scene which was said to have taken place at the theatre of San Carlos. Her royal highness was described to have been so indecently attired as to excite the indignation of some of the company present. What, however, did this turn out to be? What was Demont's account of it? She stated, not that the dress was grossly indecent, but that her royal highness was covered up in an ugly dress, and, being surrounded by a number of disagreeable masks, they had left the theatre. But what said his learned friend the Solicitor-General to this? He had asked, "Could Demont have invented her account?" He (Mr. Denman) said she did invent, and that her story was nothing but invention. They had proved her falsehood where it was possible she could be contradicted. They had proved it in her account of getting leave of absence from Como. But, said the Solicitor-General—and he (Mr. Denman) had heard the observation repeated by other sagacious persons out of doors—this could not be a conspiracy, for it had not gone far enough. He maintained that, if it were true, it had gone far enough: and the circumstance of having omitted some parts, in particular situations, arose solely from this—that the witnesses were afraid to tell what they knew might be within the knowledge of others.

"He had heard it said, that it was always a matter of great difficulty to prove the fact of adultery itself. In general, a *corpus delicti* was a matter of inference from the circumstances of the case. He denied that in any case the fact could be inferred from such evidence as the present; but in no case could it be more clearly proved than in this, if it had ever existed. This chambermaid, who was so willing to swear against her mistress, must have had opportunities of knowing if it had occurred. Indeed this seemed to have been felt on the other side; and Demont, when she came to mend her evidence, spoke of having seen stains on the bed. If this were true, why had they not called the person who had made the bed for two months before? Why was not Annette Preising produced, whose evidence would have been most material to this point? Did their lordships suppose that those agents who had collected together a set of her majesty's discarded servants, who had ransacked filthy clothes-bags, who had raked into every sewer, pried into every water-closet, who attempted to destroy all the secrecies of private life, who had wrung the feeling of a lady of rank and respectability by making her, at that bar, confess her poverty and the embarrassments of her husband—who had interfered with private

family concerns, so far as to produce a letter addressed by her to that husband; did their lordships imagine that they who had resorted to such mean and filthy practices would have stopped short at producing such a witness as Annette Preising if they thought that she would have borne out the testimony of Demont? No: they rested upon that testimony, of which he would say no more at that moment, than that, if brought before any honest court of justice, it would have been scouted out.

"He now proceeded to her majesty's journey to Genoa, Catania, and several other places. A circumstance was said to have occurred at Catania, which was alleged to be decisive of the case, as it proved the fact of adultery. Her royal highness was said to have been seen coming out of Pergami's room with pillows under her arm. This rested on the testimony of Demont; and it was surprising how in this, as well as in every other part of the case, she so shaped her story as to prevent her being contradicted by others. When asked who was in the room with her at this time; she answered, her sister, and, when asked another question, she expressed a doubt as to her sister being in the room at that time. He took that to be decisive against the truth of her story. It was impossible that she should not have known whether there was or was not another woman with her when the circumstance occurred. This was the only fact where her sister could be called upon, and therefore she left the matter in doubt, because, if Marietti were called, she (Demont) might observe that it was a matter that had escaped her recollection. Thus the whole of this part of the case rested upon herself. She described her royal highness as having appeared confused and alarmed at being seen by her in that situation; and she stated that her royal highness had not spoken to her, as she was accustomed to do. But why should her royal highness have been confused? Why should she appear alarmed at being seen thus by a chambermaid, who had been making her bed for months before, and who must have been aware, according to her own account, of other circumstances still more suspicious? But the whole of this story was an invention of this woman, of whom he would say nothing more at present but that there was no part of her testimony entitled to the slightest credit. And now, leaving those two pillars of this case vouching for each other, he would come to another point of this proceeding, which would show to their lordships that her royal highness had been made the victim of perjury and conspiracy, by those Italian witnesses, who had come over here to dethrone a queen on account of her moral conduct.

"The word conspiracy seemed to excite a feeling of horror among their lordships, as if such a thing had never been heard of—he would not say in Italy—but even in England, and by Englishmen. Since their lordships had commenced their sitting in this extraordinary prosecution, within the last few weeks, two cases of conspiracy were tried in Guildhall, London. One was that of Miss Glenn, a young lady who had sworn to an attempt, on the part of a young man, aided by several of his relations, forcibly to convey her away for the purpose of forcibly marrying her. This young woman underwent a long and minute examination; and, when the judge was about to sum up the evidence, the foreman of the jury, who, he believed, was Mr. Bankes, the member of parliament, declared to the court that there was no necessity, because the jury were unanimously of opinion that the case was fully established, and they accordingly returned a verdict by which six or seven persons were condemned. A new trial was afterwards moved for, and affidavits having been heard on both sides, that application was refused. At last the parties preferred a bill of indictment against Miss Glenn and her servant for wilful and corrupt perjury. The case was tried a few days ago, and Miss Glenn and her servant were convicted on the clearest possible evidence. Justice was now, alas! about to be done to the injured parties; but it came too late to save the life of one of them, the sister of the young man, who had been tried and convicted with him, and who had ultimately sunk under her misfortunes. It came too late to retrieve the injury done to their affairs, but he trusted it did not come too late to operate on their lordships; to show them that a conspiracy by persons respectable in life, much less by Italian witnesses, was not impossible; and that evidence might be so got up, as for a time to destroy the character of innocent individuals.

"There was another case to which he might call the attention of their lordships, the case of a prosecution in which he had himself been engaged, and which was tried in the court of King's-bench against certain individuals, for a conspiracy to set up a sham commission of bankruptcy. It was the case of 'the King v. Cohen,' and abundant evidence was there produced that ten who were convicted, and others who escaped, were in the daily habit of false-swearing, and of receiving money as the consideration for false testimony. This happened in England, where the same persons were afterwards liable to detection, and might be brought to legal punishment. It was on that occasion demonstrated, that witnesses might be hired as readily as lodgings might be hired at the west end of the

town. But it was impossible that their lordships should have forgotten the case of Elizabeth Canning, and the crowd of witnesses who then testified solemnly to what was grossly false. The same remark was applicable to the case of Titus Oates, whom he was content to consider as the hero of a poem only, but with reference to whom he might be permitted to allude to a period when the then Duke of York was in a state of doubt whether he would or would not cast off the wife, the daughter of Lord Clarendon, with whom he had clandestinely contracted marriage. In the *Memoirs of the Count de Grammont*, it was stated that marriage, or at least cohabitation, had taken place between the parties. What did all this imply but that agents might always be found to gratify the lowest passions which unfortunate princes, or individuals in high places, were disposed to indulge? It was undeniable that the facts alleged in evidence against Queen Ann Boleyn were stated as distinctly—indeed much more distinctly—than were the circumstances in the testimony produced in support of this bill. It was altogether evidence much stronger and more unexceptionable.

"But, without dwelling on the events of a period so remote as the reign of Henry VIII. however similar some of those events might be to the transactions and business of the present day, he would now advert to a period within the recollection of them all—to what passed, in fact, in the year 1806. The result of an inquiry into charges affecting her majesty's character, at that time, was to cover her accusers with infamy and shame. Their lordships, looking back to that investigation, must of necessity contemplate the process now going on with the utmost jealousy and care. When it had pleased his present majesty's government to separate the mother from the daughter, was it not upon record that this decision was founded on perjury and subornation? How otherwise were they to understand the minute of council drawn up, or at least dated, in February, 1813, and in which the letter of her royal highness, charging the existence of 'suborned traducers,' was alluded to? It was felt by her royal highness's advisers to be their bounden duty to declare that there had been suborned traducers, but that an illustrious person stood acquitted of the subornation. Without charging any conspiracy now, he would venture to say, that if any place or country was to be selected or preferred as the scene of a conspiracy, and that the selection and preference were judiciously made, the scene would certainly be in Italy. It was there that the means presented themselves—it was there that cunning and artifice thrived—there that a price was openly set upon an oath—there that

every infamous purpose might by bribery be carried into effect. They were now inquiring into the transactions of six years, and guided only by the light of Italian evidence. Could they, as men of the world, as men acquainted with history, imagine for one moment that the information given to them by witnesses for the prosecution was not given with the countenance of immediate favour, and the hope of further reward? He would refer them at present to the evidence as to what passed at Savona, and in the course of which it was sworn that two persons had certainly slept in one bed there. The only ground upon which this fact was stated was a former dsposition of Demont, and which was left utterly unsupported by her testimony at their lordships' bar. So with regard to the allegations of an illicit and adulterous intercourse taking place at Varies and Lugano. No witness from Lugano had been called: he meant not to cast blame on his learned friends on the other side, but he did think they ought to have been prepared with that branch of the evidence before they made the charges which, in pursuance of their instructions, they had felt themselves obliged to make. The riot, as it had been called, which took place at Dover, happened in June last; and how was it that his learned friends, during the long interval between June and the 7th of Sept., had neglected to re-assure the spirits of their witnesses, and discover some opportunity of bringing them over in safety? Material evidence might sometimes be lost by accident, but was it credible that accidents had operated here? His learned friends on the other side, with all their ability, had failed in one of their chief attempts—that of proving guilty conduct on the part of her majesty the queen at Naples.

"It was with a great degree of confidence that he now proceeded to examine more minutely the character and nature of the evidence on both sides. He would, however, previously remind their lordships of a passage in Roger North's life of his brother, Sir Dudley North, a merchant in Turkey, and in which it is observed, on the ground of the Turkish merchant's experience, that, 'before the Cadi false evidence was a much surer ground to go upon than true, for a witness of plain honesty would not stand under the captious questions which were sometimes put to him.' It was remarkable, that in all the humorous scenes described by our great dramatic poet, whenever he had occasion to paint the character of a man anxious to blacken the reputation of an innocent wife, he chose his scene in Italy. In one of his productions it was represented that a thousand ducats was given at Messina for the evidence of a person who was to swear away the honour

of a woman. Their lordships would do well to refer to the character, as there developed. The passage which he now alluded to was as follows:—'Which be the malefactors?' 'Marry that am I and my partner.'—'Now write you down that he says he has received a thousand ducats for accusing the Lady Hero wrongfully.'—'Marry, Sir, they have committed false report; moreover they have spoken untruths; secondarily, they are slanderers; sixth and lastly, they have belied a lady; thirdly, they have verified unjust things, and, to conclude, they are lying knaves.' (A laugh.) He hoped this last quotation would not be considered altogether inapplicable, taken as it was from the last act of a celebrated comedy, called *Much Ado about Nothing*. (A laugh).

"He now came, however, to a closer examination of the evidence—evidence of a kind which had never before been so amply remunerated. It appeared upon their minutes that Gargiulo's vessel had been hired by her majesty, with all its crew, at the rate of 750 dollars per month; this, in fact, was the sum to be paid for the use, and the exclusive use, of Gargiulo's ship. But the captain, being in the employment of a royal person, looked forward to something else, and limited his expectations to a sum of 6,000 dollars. Disappointed in those expectations—and through the means of Pergami—coming over to this country to enforce his claims, was it not probable that he should consider the attainment of his object as likely to be facilitated by the evidence which he gave on this occasion? It was idle to suppose that any witness for a prosecution of this nature would come forward with a mind perfectly unbiassed. On that account alone it became necessary to require evidence the most pure and the most unsuspicious that could be obtained. An improper intercourse was alleged to have taken place between her majesty and Pergami, or rather it was alleged that they were observed sitting together on a sofa, and under an awning, with a view to that improper intercourse. If this representation were true, the parties could not have adopted a surer mode of proclaiming to the world what their intention and purpose were. Kisses and caresses were spoken to, and really such evidence deserved the pay which had been received for it. But how was it that only the captain and the mate, the uncle and the nephew, should appear to corroborate a story of this kind? Was it not probable that the uncle had said to his relative—'There never was a happier prospect for the family; here is already an allowance offered of 800 dollars a month for yourself; and, as for me, I am to receive a thousand?' He put it then to their lordships, whether evidence given under such circumstances

ought not to be admitted with suspicion and distrust? 'Come to England with me,' quoth the uncle, 'there is a process going on which will continue at least for a year, and in which you and I may be material witnesses.' It was very singular that they, and they alone of all the individuals belonging to the polacre, should be called to speak to the indecent acts mentioned in their evidence. The crew was composed of 22 persons, and not one of them appeared to confirm the story told by the captain and his mate. He would contend before their lordships, that the absence of all that crew was in itself proof of criminality on the part of the prosecution; and was in itself an acquittal of her majesty.

"It was a most shameful thing to have drawn any gross inferences to the prejudices of her majesty without previously examining Lieut. Flynn, who was on board the polacre at the same time. When it was represented, too, that English ladies and gentlemen were driven from the society of her royal highness in Italy by prevalent rumours and reports, it was obviously incumbent on the other side to bring those English persons forward to render their testimony as to the foundation and authority for such rumours. How could they otherwise trace such reports to their origin? There was no judge in this country who would allow the statement of rumours to be put in evidence against any man standing upon his deliverance before a jury. His first observation would be, that such rumours might be the offspring of malice, and of feelings in which the prosecution itself had originated. Some might listen to them with a servile readiness of belief; but he would repeat before their lordships, that the evidence of Lieut. Flynn ought to have been taken before this prosecution was instituted. He had been taken on board the polacre, not because her royal highness wished to avoid English society, but because she wished that an Englishman should be about her on a voyage with a Sicilian crew. She had therefore applied to Capt. Briggs for an English officer to attend her. Her voyage from Syracuse to Jaffa was then undertaken, and on the journey afterwards to Ephesus an impropriety was alleged to have taken place. Majocchi was the only witness to this part of the case: he described her royal highness and Pergami on the vestibule of an ancient ruin, but neither Demont nor Girillo gave any confirmation to his statement.

"At that period her royal highness was about to carry into execution a design she had long formed for visiting the Archipelago, the Grecian Islands, the ruins of Athens, and Jerusalem. On that occasion she hired a polacre in Sicily, which carried her out to Jaffa, and afterwards brought her

back to Italy. In the course of her journey to Jerusalem she was frequently obliged to rest in a tent, which was carried from place to place for that purpose. She was at this time in a foreign land, surrounded by foreign attendants, exposed to danger from the uncivilized inhabitants; and, thus situated, she was reduced to considerable hardships—not imaginary hardships, proceeding from fear, but real and unavoidable difficulties. In the midst of those hardships she lived on what he would call terms of delightful familiarity with all those who accompanied her. In the course of the day, after the fatigues of the journey, which was performed in the night-time, were over, she rested under the tent to which he had just adverted; and his learned friends who supported the bill had made it a prominent part of their case that she had reposed under the tent in one bed, whilst Pergami, in the same tent, reposed on another. This was one of those facts that illustrated, more clearly than another, the necessity of exercising that caution, in viewing this case, which he had endeavoured to infuse into their lordships' minds; because it was clear that the fact might be stated in such a manner as to raise the suspicion of guilt in the first instance; but he thought it was equally clear, when the real state of the fact was made known, that, for this suspicion of guilt, not the smallest foundation, in truth and honesty, could be pointed out.

"During the two days and a half in which this journey was performed, Majocchi told their lordships that her royal highness and Pergami rested under this tent. But he had omitted a matter of great importance; he had omitted the essential fact, which other witnesses had spoken to—namely, that the Countess of Oldi was also under this tent, and that the child Victorine was almost constantly there. Majocchi had likewise, in his direct examination, passed over another fact, which was afterwards disclosed in his cross-examination; the important fact that he (Majocchi) and another servant were in the habit of taking rest in a second tent, contiguous to that which her royal highness occupied, and which commanded a view of all that passed there. How long at a time she remained on horseback during this journey, Majocchi, that honest witness, could not state. It might, he said, be two hours, or it might be many more. But the fact, as stated by Lieutenant Hownam, placed the circumstance in its true light. He had told their lordships that her royal highness was very much fatigued by her exertions on this journey; that she wanted support to prevent her from falling from the animal on which she rode; that she proceeded with a great deal of labour and difficulty; and that more than once she had fallen

asleep on the way. The consequence was, the moment the party encamped she retired to rest in the tent. Under these circumstances, was it possible that he should be called on to argue that this was not a case of adultery? Was it possible that one man could be found so uncharitable, so uncandid, so unjust, as to adhere merely to the words in which a fact might be related, while it lost sight of the *bona fide* meaning and intent of the transaction referred to? He defied any honest man to lay his hand on his heart, and, having considered the circumstances, to say that adultery was committed on this journey by land. He should, he conceived, uselessly waste their lordships' time by farther observations on this point Not but that attempts had been made on the other side, by the introduction of other circumstances, to prove criminality here. But the failure of those attempts was evident; they only showed that the facts were not sufficiently strong to sustain a criminal charge, and that the proofs advanced were not of such a nature as could induce their lordships to come to the conclusion that a guilty intercourse had taken place. Were the beds regularly made, or were they regularly prepared? that, he believed, was his learned friend's expression, to lead to a belief that what was understood by a regular preparation of beds, in matrimonial cases, occurred in that which they were now considering. But the preparation here was of a different kind. Though the beds were prepared, there were no bed-clothes, no curtains, no bed-linen. They were made in no sense like that in which his learned friends would wish their lordships to suppose; and, beyond this, those two parties, who were said to have retired under a tent for a criminal purpose, lay at a distance from each other, clothed, entirely clothed; her royal highness throwing off her exterior habiliments, and putting on a green pelisse; and the other party throwing off his exterior habit, and putting on a blue dressing gown; still, with only this alteration, retaining precisely the same dress which each of them had worn during the journey Miss Demont had taken great pains to represent this undressing, as it was called, in the strongest possible manner she had endeavoured to show, that this was proof of an improper intercourse between these two individuals. She had pointed them out as taking off their clothes, and retiring to private place for adulterous purposes. But, from the whol of her cross-examination, it appeared that this daily encampment was conducted with as much innocence, with as much propriety, and with as much purity, as could distinguish the proceedings of any two individuals in the world, even if they reposed under separate roofs.

"He now came to the polacre; and he could assure their lordships, that it was with no small satisfaction he came to that part of the case; because he thought it was most perfectly clear that there was no more ground to suppose that any illicit connexion had taken place before her royal highness embarked on board that polacre, than there was for any one of their lordships to imagine that any female of his family, whom he had left at home that morning, had been guilty of such a crime, merely because she had an opportunity of doing so. If the whole of the scenes at Naples were negatived,—if the foundation on which they rested were proved to be untenable,—if it were not only made perfectly clear that the imputations raised on those facts were not borne out by them, but that base falsehoods had been uttered,—that worst species of falsehood, which gave the appearance of truth to that which was known to be a lie: if that were the case, then he would contend, that her royal highness set her foot on board the polacre without one single taint of suspicion as to anything that had occurred before; he meant with respect to the facts that were imputed to her royal highness as crimes. He alluded not to the supposed offence connected with the elevation of a party implicated,—a subject on which, however, he would hereafter expatiate; observing only, at the present moment, that it was utterly impossible for their lordships to argue, that the fact of that individual's elevation was alone sufficient to guide them in their decision; for, if it were sufficient, there would have been no use in this retracted inquiry; there would have been no necessity for going into a statement of all that had happened while her royal highness was travelling: it would have been enough to have said, 'this promotion has taken place—that circumstance is sufficient;' and it would have been wasting the time of their lordships improperly, unnecessarily, and indecently, to enter into a detail of those facts which had been told before that house.

"He had a right to say this of her royal highness, that, if there were truth in argument, if there were justness in inference, her royal highness stepped on board that polacre without any cause for doubt, without any ground for suspicion. What the conduct of her royal highness was, after leaving the polacre, he would hereafter remark on; but, if their lordships were satisfied, that neither before her royal highness went on board the polacre, nor after she quitted it, there was any circumstance from which a fair and unprejudiced mind would draw an inference of guilt, then he called on them, in this important case of dethronement and degradation, where the evidence ought to be as clear and as conclusive as the facts were

alarming, and the punishment severe, to consider seriously, whether the mere possibility of criminality having existed on board the polacre should lead them to decide that this adulterous connexion was made out? The fitting up of the vessel took place while her royal highness was on shore: with that she had nothing to do. At first she slept in her cabin, according to the arrangement that had been previously made; but, in the course of the voyage home, very soon after her royal highness had gone on board, some of the horses, or other animals that were in the vessel, became troublesome, and on this account, as well as on account of the heat that was experienced below, her royal highness thought proper to take her station at night on the deck. Now, he would ask if her majesty had been the blind victim of a guilty passion for this man, was this the course she would have pursued? Was it to be believed that a circumstance of this nature, a trifling inconvenience, would induce her to stop the tide of irresistible passion, to withdraw from his secret and secure embraces, in situations where no eye could behold what passed, and to transfer herself to the deck, subject to the observation of the captain, in the neighbourhood of the steersman, and open to the remarks of every sailor in the vessel? Could it be supposed that she would, in such a situation, place herself under a tent, for the purpose of carrying on a guilty correspondence? A tent! O, no! Any military officer who heard him would correct him, and say, 'This was not a close tent; it was not that close and small chamber, that confined and private recess, under which such acts could be performed.' This was the fact. It was the awning of the deck hanging loosely round, covering a large space; the bed of the queen and that of Pergami, or rather the bed and sofa on which they rested, were placed at a distance from each other, and, what never should be forgotten, the hatchway was always open.

"This last fact was of the greatest importance; because, in the examination in chief of Majocchi, he said, that the tent was never open at night; that it was entirely closed, shut up: but it was extracted on cross-examination, and the fact was substantiated by other witnesses, that the hatchway was always open, and all who passed above or below, or along the hatchway, could know what was doing. The parties were sleeping as in a camp on land. Could it be supposed for one instant, that this awning could have been used for the purpose of an improper intercourse, which his learned friends inferred from circumstances which did not at all warrant it? They were told that this improper intercourse took place in the

day-time, and that the awning was let down during the day. He knew not how to deal with this. If the awning was let down during the day, what was it but a challenge to all to see; he would not say the use made of it, but it was an open exposure of the mode of lying in the beds, and of the purpose for which those beds were occupied by night as well as by day. The period during which her majesty was in this situation was from the 20th of July to the 17th of August. During that time her royal highness was proved to be extremely fatigued; and it was absolutely necessary, as Lieutenant Hownam had stated, that her royal highness should be attended by some person. By what person, then, both for convenience and for every necessary purpose, could she be more properly attended than by the chamberlain whom she had appointed to provide every attention and protection which her situation required. The whole time that her royal highness reposed there she had her clothes on; no time was found when the parties were not clothed. There was but one moment when it appeared that Pergami was positively under the tent, and then he was clothed. If this were a case in which he should have to say that the case on the other side was not made out according to the letter, he should say that it was never proved that Pergami had been under the tent at night. On occasion of a storm, her royal highness was seen led down from the deck by Pergami on the one hand, and Lieutenant Flinn on the other. As Flinn was known to have reposed elsewhere, there was great probability that Pergami had reposed under the tent. But of that there was no proof. However, the bed had then no clothes on, and Pergami was dressed. The inference attempted to be raised was, therefore, on that one occasion completely negatived.

"In the constant use of the tent all was open and avowed; the light was given out, which was a most important circumstance, and distinctly proved; nothing was done that showed concealment or disguise of the fact; and all that appeared was, that this fatigued, unprotected, lady, but the boldest of the party, found it absolutely necessary that some male person should attend near her. Two and twenty sailors were on board, and passing and repassing at all hours; two steersmen in regularly relieving one another; there was a constant liability to be interrupted and observed by persons below, and on every side; and yet the only circumstance which appeared was, that Pergami had been actually under the tent on the occasion which he had stated, when two gentlemen conducted her royal highness from deck in consequence of the alarm. But, in the absence of direct proof, their lordships had a

specimen of the mode resorted to on the other side, to extort from witnesses opinions and beliefs from which an inference might possibly be made favourable to their object. Lieutenant Hownam, with the candour which belonged to a manly character, stated at once, when asked his belief, that Pergami did sleep under the tent. On this expression of belief being made by Lieutenant Hownam, they heard a triumphant echo from all parts of the town, and they heard a triumphant murmur from his learned friends, and all that had been believed, and all that had been admitted, were to be excluded, and they were to fix on this single and solitary fact, that Lieutenant Hownam believed both parties to have slept under the tent. What was he to say, if the counsel for the crown, in a case of the utmost gravity and importance, after having rested their *prima facie* case on the testimony of discarded servants, on the testimony of disgraced, on the testimony of profligate and wicked persons collected from all quarters—he would not say by what means—if, after having founded their *prima facie* case on such testimony, they then abandoned it all, and fixed on one belief, excluding all the rest out of that case of the highest criminal nuture? This was conduct unheard of in the records of criminal justice. The question as to belief might have been objected to, because it was not evidence. It was proper only as a mode of trying the credit of the witness; and because the witness gave an answer which reflected the highest honour on his credit, his learned friends founded on that answer the whole of their case. Lieutenant Hownam stated no mystery to be attached to the subject. He stated that it was necessary for her royal highness's protection that some male person should attend near her. He then stated that he considered it no degradation to her royal highness to be so attended. This opinion and belief he stated as strongly as the other. His learned friend who had so much opportunity of knowing the private secrets of her royal highness's conduct and habits during the whole period embraced by the investigation, had not once got ground for criminal inference, but by dismembering the testimony of Lieutenant Hownam, and detailing his belief on one circumstance.

"He now came to offer some observations on the testimony of Lieutenant Flinn, who had not been called, as he ought to have been, on the other side, but by them; who had not been sought for by those to whom he could have given important information if they wished for truth, but by them who were obliged to repel falsehood and perjuries. Lieutenant Flinn, residing in Sicily without office, pension, or emo-

lument from her majesty, had not been sent for by the other side: but he saw in the public papers the fabrications and falsehoods set up against the Queen of England. He had not been hired at the rate of 100 guineas a month—had no prospect of rivalling the mate of the polacre; but this brave, gallant, honourable man came to support innocence against perjury; he came to the bar of their lordships to bear testimony to the best of his recollection and belief, at the distance of time since the transactions inquired into had taken place. It was certain that he had never been in a court of justice before, and certainly no witness had ever been more affected by the dignity of the court, and the alarm that surrounded him. When he had been asked whether those copies he held in his hand were faithful copies, he said they were not faithful copies, meaning exactly that they were faithful copies. But, certainly, a more nervous and more agitated man he had never seen in any court. He was asked his belief, and a more fair and clear account of belief had never been given, because the witness referred to the facts on which he founded his belief. He had been asked as to the situation of the beds from Syracuse to Jaffa, and he answered that Pergami's bed was in the dining-room. He was then asked as to the situation of the beds from Jaffa to Italy, and his anwer was, 'I don't know.' The reason was plain, for her majesty reposed then on deck. When Lieutenant Flinn passed through the dining-room to attend upon her royal highness, he had means of knowing that Pergami slept there, and though he actually only saw him once, he spoke to him behind the screen. A more satisfactory reason why he knew that he slept there had never been known. But why not know where Pergami slept when returning from Jaffa? It was because he had not occasion to pass through the dining-room in waiting in the morning on the queen. He was asked whether there had been no other distribution of the beds made? He answered, 'No, it was unnecessary; her majesty did what she pleased with her sofa, and any other that had a bed on deck did the same. I had nothing to do with it.' When he was asked as to his belief, he did not give a belief founded on rumour or scandal, on misrepresentation and falsehood. He did right in looking at facts, and said nothing that he was not justified in believing.

"No person could forget how this gallant officer was cross-examined. He did not undervalue the talents of the Solicitor-General; he held in the highest honour that greatest of legal talents, that most important means of detecting falsehood which man could display, that best shield of slandered

innocence—he meant that talent of cross-examination which was often found successful in dragging reluctant truth from its lurking-places, in making a witness disclose what he was most anxious to conceal, and in displaying most conspicuously those important truths which were most sedulously withheld. But that sham cross-examination which was exercised in taking advantage of the alarm and agitation of a witness—though he honoured the talent of cross-examination which elicited important truth, he regarded with a very inferior degree of honour that sham cross-examination, either in its motives or its consequences. A paper had been produced by this witness—a paper as immaterial, nay, far more immaterial than the Trieste journal which his learned friend had offered yesterday. The paper produced by Lieutenant Flinn was perfectly immaterial, whether it existed or not. It was only a statement of dates and places. The witness believing that it would be necessary for him to have those dates and places, made his clerk transcribe them. On coming to England he found the paper so ill written, and words so ill spelled as to be unfit for use. He therefore got Count Schiavini to make another. The dates were proved by other witnesses, and he (Mr. Denman) believed that the dates in the paper alluded to were not found to differ from those given by any other witness. His learned friend (the Solicitor-General) by his powers of mind, by his great powers of countenance, and by his talent in cross-examination, had in the case of this witness got, what, if the paper and its contents were important, might lead to an inference most unfavourable to the credit of the witness; but what, unimportant, perfectly unimportant and immaterial, as the paper was, led only to the conclusion that he was entirely overcome by his own agitation and alarm. The greatest men in the field were known to be nervous and agitated on occasions foreign to their profession. But never had a more complete illustration been given than in this instance of the power of the gown over military prowess.—*Cedant arma togæ.* But no man could disbelieve the general effect of his testimony; no man, after the evidence of Lieutenants Hownam and Flinn, could for a moment give credit to the indecent exposures sworn to by the captain and the mate. Here again the evidence had broken down under the Attorney-General: he had detailed a most licentious course of proceeding on the part of Pergami, who was said, on the voyage from Jaffa, to have made most disgusting exhibitions of his person before the queen. His own witness had contradicted him, for the captain only called them apish tricks, and Lieutenant Hownam distinctly proved that those apish

ricks amounted only to this—that Pergami, to imitate and idicule some portly and pompous personage, had put some ushions under his waistcoat. Yet this was to be brought in aid of the kissing and embracing, and all the other disgusting trash which was to give a colour to this proceeding.

" The just conclusion from all that had appeared in evidence regarding the tent was this—that if the queen and Pergami had intended to commit adultery, they would have kept below, and would have taken especial care that no man should see them together under the tent or deck even in the day-time, as the moral captain and his blushing mate had ventured to depose. It was not immaterial to reflect that this tent scene on board the polacre was the last rag that yet remained to cover the filthy deformity of the case in support of the bill. If it were clearly shewn that there was nothing in the conduct of the queen before or after this incident that could merit censure even from the most rigid moralist, was it possible for the house to believe that on this occasion, and no other, that an adulterous intercourse had taken place? On the contrary, if no such facts had been opened as the disgusting exhibitions by the Ottomite, the indecencies with the statues in the garden, the dresses at the masked ball, and the visit to the theatre St. Carlos, the house would have not permitted such a case to be brought forward; and would not any judge, if it had been a trial in our courts, have declared it wholly unworthy the attention of a jury.

" Let it be recollected that their lordships were now trying the highest subject of the realm for the highest crime a subject could commit. It was their duty to allow no middle course —no disgraceful compromise between their duty and their inclination. They were not to receive light evidence under the supposition that the punishment was light. The punishment was not light: it was the heaviest that could be inflicted on a queen. For his own part, without any exaggerated sentiment, which perhaps in an advocate might be allowed, he might say that he would rather see his royal mistress tried at the bar, like Anna Bulleyn, for her life, than in the more perilous situation in which the queen now stood. He would much rather have to hand her to the scaffold, where she would have to lay her august head upon the block with all the firmness and magnanimity belonging to her illustrious family, than witness her condemnation under the present charges, which would render her an object indeed of general pity, but of more general scorn; to be looked upon only as one who was entitled to compassion, having fallen by the misconduct of those who afterwards brought her to punishment, but at the same time

to be regarded as a most deplorable instance of degraded rank and ruined character. The house was bound therefore to try the queen as if the commission of an act of high treason on board the polacre had been charged, and, thus viewing it, what would be the language of any judge regarding a prisoner, who, having by the evidence been acquitted of a great number of false and important charges, was at last accused of one single and comparatively insignificant offence—would not the judge declare on the instant, in a case like the present, that no proof existed of criminal intercourse—that the main fact had been disproved—that though the parties had perhaps been shown together in the tent, and though there might be a surmise or possibility of guilt, because one of the witnesses had hinted at such a situation, yet that all criminal intent was negatived, and that the excuse for the situation was given under the same oath that had sworn to it. A judge who, under such circumstances, did not declare that a prisoner ought to be instantly acquitted, would deserve to be impeached at the bar of this house for a gross and infamous dereliction of his duty.

"Was he again to go back to the bath—again to enter into the fables of Majocchi and Demont, who in this instance only had vouched for each other? The question was, where was the bath? One stated it to be in one room, and another in another; but afterwards it appeared to have been in the cabin; and the chamberlain, their lordships would probably think, did no more than his duty, in preparing the water, and feeling its temperature: it was merely ridiculous to suppose that he stayed to be present at the operation. Where facts rested upon the testimony of these two witnesses, they were wholly to be discredited, and the house was bound to consider the full contradiction they had received. Had any matter of crimination existed on the part of the queen, so advantageous a witness to support it had never been brought into court to support it as Lieut. Hownam. He joined her majesty at Genoa, when the supposed passion was at its height, and he had continued with her about three years, during which he must have been well acquainted with whatever criminal acts his royal mistress had committed. The other side had had an opportunity of cross-examining him, after torturing his belief on subjects of every description; and though they pretended to prove acts of indecent familiarity by two or three masons, two or three white-washers, and two or three discarded servants, they had not ventured even to suggest to Lieut. Hownam any occasion when such scenes, if they existed, must inevitably have passed before him. Both he and Lieut. Flynn gave the most decisive contradiction to all

that was sworn by those much relied on witnesses, Gargiulo and Paturzo.

"He would now notice the evidence that related to the Villa d'Este; first, however, as his learned friend reminded him, saying a few words regarding the embrace which the queen was said to have given Pergami when he went on shore at Terracina, after the tedious voyage, to prevent the necessity of observing quarantine. All that was proved was, that Majocchi being below deck, the princess had thought proper to have him for a witness of the kiss she allowed Pergami to give upon her lips. Majocchi had taken care that nobody else should be present, that he might not be contradicted; but still his falsehood had its foundation in a germ of truth, because all the witnesses agreed that Pergami kissed the hand of the princess upon deck when he took his departure, which was no more than the rest of the suite were in the habit of doing on similar occasions. He had by accident passed over another kiss—the kiss on Pergami's visit to Messina, about a mile from the dwelling of the princess, to make some purchases. Majocchi had thought fit to swear, that on parting on this distant expedition, here again was a most affectionate leave-taking, at which he alone was present. However, Demont thought it right on this point to give her friend some slight confirmation, and accordingly she said, that there had been some kissing at their parting, but that her back was turned, and she could not tell whether the kiss was given on the hand or on the face. The truth, no doubt, was, that her royal highness had given her hand, that her chamberlain might receive the ordinary token of regard.

"It would be a waste of time to dwell longer on these petty incidents, and he would proceed therefore to the Villa d'Este, where that valuable member of society, and gallant officer in the army of Napoleon, M. Sacchi, was first taken into the service of the princess. It was observable that the house had had two discarded servants, Majocchi and Demont, to prove transactions before the tent-scene in the polacre; and two other discarded servants, Sacchi and Rastelli, to speak to events subsequent to it—to establish the most disgraceful facts that ever polluted the lips of man, and which he (Mr. Denman) should have thought no husband of the slightest feeling would have permitted to have been given in evidence against his wife, even if she had forsaken his fond and affectionate embraces, much less if he had driven her into guilt by thrusting her from his dwelling; recollecting that the more depraved he showed his wife to be, the more he established his own cruelty and profligacy; and the more imputations he cast

upon her, the more he was to be despised for having deserted and abandoned her. He had heard examples, supposed to be similar to the present, quoted from English history, but he knew of no example in any history of a Christian king who had thought himself at liberty to divorce his wife for any misconduct, when his own misconduct in the first instance was the occasion of her fall. He had, however, found in some degree a parallel in the history of imperial Rome, and it was the only case in the annals of any nation which appeared to bear a close resemblance to the present proceeding. Scarcely had Octavia become the wife of Nero, when almost on the day of marriage she became also the object of his disgust and aversion. She was repudiated and dismissed on a false and frivolous pretext. A mistress was received into her place, and before long she was even banished from the dwelling of her husband. A conspiracy was set on foot against her honour, to impute to her a licentious amour with a slave; and it was stated by the great historian of corrupted Rome, that on that occasion some of her servants were induced, not by bribes but by tortures, to depose to facts injurious to her reputation; but the greater number persisted in faithfully maintaining her innocence. It seemed that, though the people were convinced of her purity, the prosecutor persevered in asserting her guilt, and finally banished her from Rome. Her return was like a flood. The generous people received her with those feelings which ought to have existed in the heart of her husband. But a second conspiracy was afterwards attempted, and in the course of that inquiry she was convicted and condemned. She was banished to an island in the Mediterranean, where the only act of mercy shown to her was putting an end to her sufferings by poison or the dagger. In the words of Tacitus, 'Non alia exsul visentium oculos majore misericordia affecit. Meminerant adhuc quidam Agrippinæ a Tiberio; recentior Juliæ memoria observabatur, Claudio pulsæ. Sed illis robur ætatis assuerat: læta aliqua viderant, et præsentem sævitiam melioris olim fortunæ recordatione allevabant. Huic primum nuptiarum dies loco funeris fuit, deductæ in domum, in qua nihil nisi luctuosum haberet.' The death of her father and her brother had deprived her of her natural protectors, who might have stood between her and misery, 'tum ancilla domina validior: et Poppœa non nisi in perniciem uxoris nupta: postremo crimen omni exitio gravius.' The Princess of Wales had left this country after the first conspiracy had been attempted and had failed: her illustrious friends—those who had basked in the splendour of her noontide rays—had then deserted her. Soon afterwards rumours

and reports of the most afflicting kind prevailed, and those rumours and reports at length assumed something of a tangible shape, and her majesty had been called upon to grapple with them as substantial charges, and he hoped that she had shown that they were utterly unfounded. In that situation, however, she had been deprived of her only daughter: that unhappy child was removed from the means of longer protecting her afflicted mother.

"In that fatal month, which blasted the hopes of England, November, 1817, it so happened that every one of the material witnesses in this case had been discharged from the service of the princess. It was then that Demont was sent away with all her valued secrets; it was then that Majocchi was turned away with all his fearful proofs, of he knew not how many kisses, and in the same month those two special gentlemen, Messrs. Sacchi and Rastelli, had been deprived of their situations. Thus this illustrious lady, who was supposed to have sinned with so much boldness, and to have loved with such extraordinary enthusiasm, had ventured to turn loose upon the world the four individuals most capable of proving the case against her, and of reducing her to the lowest stage of disgrace and misery. They were discarded servants, and he would say so, though in time all phrases became hacknied in the mouths of men; yet, if after the lapse of six years such testimony was to be received, he would appeal to the house in what situation human society would be placed. Reference had been made on former occasions to that bill, which had for its object to make adultery a crime. The draft of it was still preserved in the archives of parliament, and excluded from the right of complaining of every husband who had colluded with, connived at, or permitted the offence of his wife. In the debates on that measure, it was admitted on all hands, that it was fit that adultery should be considered a crime; but it was also held, that it was far more unfit that such an encouragement to perjury—such a premium to malignity—should be held out to discarded servants. Adultery was unquestionably criminal in various degrees, but most especially so when the conduct of the husband had been unimpeachable; but when he had been guilty of immoral practices—when he had committed some flagrant breach of his duty, the feelings of mankind would never accord with the condemnation of a wife. He (Mr. Denman) could never reflect upon the condition of discarded servants, with reference to the matter now before the house, without remembering the immortal words of Burke, where he directed the fire of his eloquence against spies in general, but especially against domestic spies: he

said that by them 'the seeds of destruction are sown in civil intercourse and happiness: the blood of wholesome kindred is affected: our tables and our beds are surrounded with snares, and all the means given by Providence to make life safe and comfortable, are converted into instruments of terror and alarm.' Discarded servants had it in their power at all times to depose to facts on which they could not be contradicted. If any man should dare to swear that the noble consort of one of their lordships had got out of her bed in the middle of the night, unseen but through the key-hole or the crevice of a door, and crept to the bed of a domestic, how was it possible to contradict such a witness, who had been dismissed, notwithstanding his possession of a secret so fatal, but by the general purity of the character of the illustrious accused, and by the malice of the accuser betraying itself in the very foulness of his charge? One of the servants in the case of the witness to whom he had already alluded, being questioned upon subjects of this foul and filthy description by one of the persons who had attempted to suborn her, had given him an answer full of female spirit and virtuous indignation—an answer which he preferred to give in the original, because he was unwilling to diminish its force, and because being less known the coarseness would be less understood:

Καθαρωτερον, ω Τιγελλινε το αιδοιον ἡ δεσποινα μυ τυ συ ςοματος εχει.

"To such discarded suborners as Sacchi and Rastelli might this answer be applied. Sacchi had talked a great deal about his being a soldier and a gentleman; he had received the reward of his fidelity on the field of battle, and one of the first proofs he gave that he deserved it was coming forward to betray his mistress. What mighty distinction was there between treachery and perjury—between the man who betrayed truths that had come to his knowledge in the excess of confident reliance, and the man who would invent them for the sake of a base reward? The witness who was summoned to an English court of justice was bound by his oath to disclose the truth, and the whole truth; but why upon this occasion had Sacchi made his appearance? Because he had been bribed to give his evidence. He had received no summons, no *subpœna*, and no force had been necessary to compel him; he was a volunteer in iniquity, but not for its own sake, but for the most base and sordid purposes; and was equally infamous, whether he came to disclose the real secrets of his mistress, or to perjure himself by the assertion of what was false. The greatest of all traitors—the first apostate to

Christianity and human nature—was not forsworn: he only came to betray his master; yet the execrations of mankind had followed him from that moment to the present. He (Mr. Denman) always thought of this great prototype of treachery and infamy when he saw such a witness as Sacchi advance the Bible to his lips, ready, like Judas, to betray God and man at once with the same blaspheming kiss. Sacchi was discharged in November, 1817, with all these dreadful secrets, if he were to be believed, in his possession, and at that period it might be said that the conspiracy against her majesty was already formed. If at that time there had been no Ompteda, no Milan commission, and if the queen, instead of being expelled from her home, had left it for her own convenience and pleasure, yet even then the conspiracy was formed and was sure of being carried into effect.

"But as there was a period when corruption takes place in the human heart, so there may be a moment of repentance; and, fortunately, Louisa Demont disqualified herself as a witness, by pronouncing in favour of her mistress one of the most cordial and excellent panegyrics that ever proceeded from a servant. With that unequivocal testimony staring them in the face, it was impossible not only to believe a word that she had sworn in contradiction of herself, but a word that any of the other witnesses had deposed against the queen. It was, indeed, a most happy circumstance, that this female, who afterwards, by the persuasion of her paramour Sacchi, was induced to appear in the shattered ranks of the enemy, had thus destroyed her own and the evidence of her compeers. It was needless to refer to the precise terms of her letter, written under circumstances which incontrovertibly proved that she must have been sincere; she there spoke of her family and her sisters, whom she wished to recommend to the notice and protection of her majesty. If, indeed, what she had sworn at the bar were true, would she have been so anxious to introduce her innocent relatives to a receptacle of vice and débauchery? Impossible! Human nature could not be so depraved, so lost to all sense of decency and virtue.

"It was by no means immaterial to call the attention of their lordships to what passed yesterday, when an elderly person from the same neighbourhood of this chambermaid, who had seen in all the papers, to the disgrace of the age, these scandalous proceedings, and had marked the rare inconsistency of the testimony, and the declarations of Demont, had come forward to depose to the fact. What could be more proper or more natural; for Demont's declarations were in all respects consistent with her letters, and those letters alone were

an acquittal of her majesty. He positively declared, that if such a witness, with such means of knowledge, had so expressed herself in the box on a trial on a charge of this description, her evidence must have procured the instant discharge of the accused from all imputation. When a witness was thus opposed to herself—when one point of her conduct so diametrically contradicted the other—surely the most rational mode of proceeding was to consider the motives that might have operated upon her mind to produce a change, and to impel her to abandon truth. Upon this point it was not necessary for him to enlarge.

"When the counsel for the queen had been challenged to produce this witness and that witness, it was impossible for any man not to reflect that she had been surrounded by dangers of every kind. He would ask, if her majesty had been accused, only two years ago, of the crimes now laid to her charge, she could look to any creature for a defence and protection with more assurance than to the writer of those passionate letters? Yet at this moment she was one of the principal persons brought forward to destroy that character, and sully that virtue, which she had again and again acknowledged. This of itself was a marvellous lesson, and a most singular and providential proof of the necessity of over-ruling the unsuspecting confidence of the queen. On this account it became necessary for her counsel to take the defence into their own hands, and to determine where no case was proved, not to meet imaginary evidence, but to content themselves with clearing her majesty from all that had a shadow of testimony to support it. They had held it unwise to expose her innocence to the possible treachery of the sister of Demont, or to submit that sister to the perils of a cross-examination. Some little forgetfulness—some trifling slip—some unconscious error on a point that had nothing to do with the real merits of the defence, might give the other side an important advantage over a weak and timorous female. For this reason he trusted that the law advisers of her majesty would stand excused to all mankind for resting the defence of their illustrious client on such evidence as would have satisfied the utmost severity of a court of justice. Perhaps too great a compliment had been already paid to the case in accusation by production of any evidence to meet it; for had the question been agitated elsewhere, a judge might have been called upon after the prosecution had closed to direct an acquittal. They had all felt it, and only the remarkable nature of the case had induced them to deviate from the course they should otherwise have pursued.

"But as there was no end to human incredulity, the Attorney-General would no doubt make many acute observations on the absence of witnesses for the queen. He would ask where is the sister of Demont, Marietta, and some dozen of servants who might have been called, and who, by possibility in the perplexity, irritation, and confusion of a cross-examination, might be entrapped into some trivial mistake. Of this the house had already had some experience. What a triumph had been proclaimed on the production of a piece of paper by Lieutenant Flynn, which was not of the slightest use, but which, it was asserted, had covered him with everlasting infamy. It was curious to look at the cross-examination of this brave officer: the last question, after which he was dismissed as if unworthy of further interrogatories, had reference to the paper he had produced: it was, "Did you not say that it was your hand-writing?" In fact, he had never said so; but it was put into his mouth as if he had, and the witness incautiously adopted it. It then became utterly impossible for him to deny it, though he might fairly enough reply, "If I did say so, it was because I was in such a state that I could not give my attention fairly to the question." With this experience before their eyes—with this example of Lieutenant Flinn, who in all the government newspapers was said to have destroyed a wretched cause by his still more wretched failure, in their recollection it seemed to him that his learned coadjutors had exercised a sound discretion in not calling further evidence. They had thought that after the proofs—the undeniable proofs—they had already given of her majesty's innocence, they should do wrong to expose nervous females to the hazard of a cross-examination—when nothing was wanted for the defence, and every little point extorted was important to the prosecution."

Adjourned at four o'clock.

FORTY-FIRST DAY,—WEDNESDAY, OCT. 25.

Mr. Denman resumed his speech.—"He was now naturally brought to that part of his address to their lordships in which he had to trace the cause of an event which formed an important feature in these proceedings—he meant the engagement of that individual into the service of her majesty, whose name had been so much dwelt on at the bar, and so frequently mentioned by their lordships. That engagement took place in October 1814; and, upon reviewing the circumstances under which it was made, he thought it was impossible for any person to have entered into the service of a royal person

with a better prospect and more encouraging hopes of that promotion which followed. Their lordships would see, on reference to Mr. Craven's evidence, that Pergami was engaged by the Princess of Wales in consequence of an extraordinary recommendation from the Marquis Ghisiliari, the grand chamberlain of the Emperor of Austria, who had long known him and his family. It appeared also, from the evidence of Sir William Gell, that the marquis not only treated Pergami on a footing of equality, but that he recommended Pergami to her royal highness as a person to be depended on for his honour and fidelity; as one also, who, at that eventful period, had suffered in his fortune. His family, formerly of consideration, had fallen into distress from the circumstances of the revolutions and changes in the French government, and was then reduced. This was expressly stated by Sir William Gell: Sir William farther stated, that the marquis treated Pergami with the highest distinction, and that he saluted him as an intimate friend. At this their lordships certainly could not be surprised when they afterwards found Colonel Olivieri, and other persons of unquestionable respectability, speaking of him in terms of eulogium. But he was not defending Pergami; all that he had to do was to shew that the allegations respecting his entrance into the service of her royal highness were untrue; and the mode in which he was introduced was alone important in that respect. He thought it was impossible to advert to that mode, to all the circumstances connected with his introduction, without perceiving that Pergami was such a person as any employer would be glad to receive, and the employment of whom it was proper to advise, and without being ready to acknowledge that there was nothing extraordinary in the promotion which, in the course of the following twelve months, had taken place. Here it might not be improper to observe, that the courier of a royal person is not considered a menial servant; and that the dress which belongs to that station in such a service is not a livery. However, Pergami was, in the course of the year after he was engaged, promoted to the situation of page, and he believed in the same year received the key of chamberlain.

"Now, he did not mean to deny that it would have been advisable for her royal highness to have appointed to the station of chamberlain some person of rank and distinction from this country, if such a person could have been found at the time. But when the motives of her royal highness for engaging Pergami were made the subject of discussion, he would ask what right, what hope, she could have at that

period of obtaining the service of any English person of distinction? How could she expect that such a person would like to incur the displeasure of the court at home, for the sake of entering into her service? Her royal highness could not expect Mr. Craven to remain in her service, because he had stipulated to attend her only for a period, as his affairs would permit; and Sir William Gell left her because his health did not permit him to accompany her royal highness on her travels. She was, then, after these gentlemen quitted her service, left without the means of supplying the office of chamberlain by any person of rank from this country; and under these circumstances, and with the recommendation she had received of Pergami, he would ask whether it was possible she could have done better than to bind to her service, by a judicious promotion, a man of honour and courage? To give honourable distinction by their favours was one of the proudest prerogatives which royal personages possessed. Their lordships would understand he did not mean that constitutional honours were so conveyed; but this would surely be admitted—that any individual who is once introduced to the notice of a royal personage, and obtains a share of the royal favour, becomes, at least with respect to all others who attend on that royal personage, a person of distinction. He would not ask whether Captain Pechell had exercised a right judgment in refusing to sit at table with Pergami. Perhaps it might be thought right by many; at any rate he was right in acting on his own judgment, such as it was. But this he would say—that no person could suffer in the opinion of the world, by entering into society with a person whom any royal individual honoured with notice and distinction. Besides, it had been proved that it was thought necessary that her majesty should have a guard; and their lordships would recollect what had been proved respecting the placing of Pergami near her royal highness.

" M. Sicard had stated that the cabinet to which Pergami was removed at Naples, opened into the garden; that he thought it necesssry to have Pergami there; and without the smallest notice being given to her royal highness, and without any communication or any knowledge whatever on her part, Pergami was removed from the room in which he slept, and placed in that cabinet. It was most important that her majesty should have near her a person whose fidelity could be relied on; for no man who read the evidence could for a moment doubt that her majesty was at this time surrounded by spies, and that there was reason to apprehend that her personal safety was in danger. But, if there should be any

difference of opinion on that point, at least this was clear—that her royal highness was impressed with a belief to this effect. Now, when Pergami had honestly discharged the service in which he had been employed, could any thing be more natural than that he should have been promoted from the honourable office of page to the still more confidential one of chamberlain? Pergami had qualifications which particularly fitted him for the office. Among others, he had been in the habit of keeping accounts. And when his learned friend asked so emphatically what could be the cause of Pergami's promotion, he would request their lordships, from their own experience, to reflect whether this was not likely to form a considerable recommendation with any royal person in the situation of the Princess of Wales? whether that sole merit of honestly adjusting accounts, regulating the details of expenditure, and saving her royal highness the trouble of attending to those affairs, would not be, to a royal individual so situated as the Princess of Wales was, a very strong reason for conferring favour and distinction on such a man as Pergami? It was also to be recollected, that at the time of this appointment, Sicard left her royal highness because pecuniary affairs called him to England. It was therefore quite natural, after Sicard had left her royal highness, that Pergami should be selected for managing the accounts, and that he should be promoted to the situation of chamberlain—an office for which Sicard, with all his good qualities, was not properly qualified.

"There was likely to be a considerable difference in point of qualification between a man who had been in military society, and who had been accustomed to hold intercourse with persons of rank, and one who, however respectable, had been in a station, the manners of which were likely to hang about a man through life. Sicard could not have been introduced into society as a chamberlain in the same way as Pergami: but when this individual was honoured with the superintendence of her royal highness's household, he became, as might be expected, an object of envy with others. When he took upon himself the hiring and dismissing of servants, it was likely, if he studied the interests of his mistress, that he should raise up a host of enemies against himself; and accordingly not one of the servants or persons employed, who had been examined, but had some complaint to make—either that his wages were lowered. or that he had not received as much as he had expected. In short, it appeared that the servants had constant disputes with Pergami or his brother; and to all the other motives of irritation was to be added that

of jealousy at the sudden promotion of Pergami to an office which each of the other servants probably thought themselves equally capable of filling. But when their lordships considered the circumstances under which this person had been promoted, and the manner in which he had discharged the duties of his station, he would ask whether there was any chance that her royal highness could have made a better selection? It appeared that Pergami had filled the office of chamberlain with fidelity and propriety; and when he was promoted, her royal highness could have no hope that any individual of rank would take it, or that she could have the opportunity of offering it to any other person equally fit for the office. In making that appointment, therefore, she had acted with propriety as well as generosity.

"But it appeared that the virtuous feelings of this exalted lady were all to be made a foundation for drawing unjust and injurious conclusions. Among her great misfortunes, it was not the least that her very virtues were malignantly converted into crimes: her love for little children had thus been made a ground for calumny. At Genoa the child Victorine was thrown in her majesty's way; and which did not appear to have been represented as the child of a married man, as had been erroneously stated, but as a natural child in need of protection. What, then, was more natural—considering the well-known character of her royal highness for kindness and humanity—than that she should take this child under her protection, and feel for it all the affection of a mother? A similar circumstance in 1806 had led to an inquiry like the present—an inquiry which, he would admit, might then be very proper, because there was the possibility of the succession being endangered, which could not happen now.

"But if the services of Pergami were such as to render him worthy of being promoted to the situation of chamberlain—if he was qualified for that situation, nothing was more proper, nothing could be a more complete contradiction of any guilty motive, than that that promotion should be made openly and publicly. It was a necessary consequence of that promotion that the individual who filled the office should appear among persons of rank and distinction, and that he should be presented in his proper character to all visitors. What would have been said if he had still been treated in the same manner as he had been when he filled the inferior situation of courier? what would have been said if, instead of appearing to discharge the duties of his office, he had seen no company, but skulked in the kitchen? Would not those who now complain of his sitting at the table of her royal

highness have said that that was the proof of a guilty passion? What would have been said if her royal highness had acted thus on board the Leviathan? What would have been said if, when she went a second time on board of Captain Pechell's ship, she had dismissed Pergami from her table? If she had been disposed to maintain a guilty intercourse, she would have said to him, 'We must not let Captain Pechell see our intimacy; we can enjoy in secret stolen hours of lust, but we must not shew in the presence of English witnesses that familiarity which we are not afraid to exhibit before Italian servants.' Such would have been her language and conduct had she carried on the intercourse attributed to her. He would, therefore maintain that her majesty's conduct and treatment of Pergami, so far from being a presumption of guilt, afforded the strongest evidence of innocence, and he would ask whether, in this instance, the course she had pursued was not that which an innocent person would naturally have adopted?

"But we are told that her majesty conferred, and promised to confer, titles and honours upon Pergami, and this is made matter of charge against her. It was true he had become the Baron of Frascini. But their lordships well knew that the baronies of Italy and Sicily were different in effect from those, the possession of which could be traced back to the field of Runnymede, and the heroic periods of our early history. Titles in those countries were to be purchased at a small expense. A few hundreds of livres would create a marquis, and the absence of titles in those countries to a man's name was rather considered as a negative of rank, than the possession of them a distinction of real honour and importance; and if her royal highness was to elevate Pergami to the rank of the principal officer of her household, it was necessary that she should obtain for him some distinction of this kind. Besides, their lordships must be aware that the application of titles was not so strictly regular in the countries on the continent, except perhaps Spain, as in this. Titles were very liberally lavished on English gentlemen abroad. Most of his learned friends, as well as himself, had been addressed in letters from abroad by the title of my lord; and his friend, Mr. Vizard, her majesty's solicitor, had, in the course of the proceedings, been addressed under the title of 'Count' by a volunteer witness, who wished to give evidence in favour of the queen; and to this offer the applicant added a request, that apartments might be provided for him by Count Vizard, at a hotel as near as possible to his lordship's palace. (Laughter.) Another great crime of Pergami's was his having introduced his relatives into the service of her royal

highness. He could conceive nothing more natural in the conduct of a prudent and faithful person, like Pergami. It did not appear that, even down to the present moment, her majesty had any knowledge of the fact, that the stable-boy, and other persons employed in menial capacities, were the relatives of Pergami; and if they had been placed in those situations by the chamberlain alone, it had been very properly done. But if there had been no mystery, no concealment in the appointment of Pergami himself—if that appointment was made, as he contended it was, prudently and properly—what became of the questions of his learned friend on that subject?

"He came now to the period he had formerly alluded to, namely, that between her royal highness leaving Naples, and embarking on board the polacre. Pergami had then become chamberlain, and it was his duty to attend on the person of her royal highness by night and by day. It was, therefore, too much for his learned friends to fix on this fact alone, and draw from it the consequences they had attempted to deduce. He would now take the liberty of alluding to this polacre, more especially as he had not done justice to that part of the case yesterday, and because there was a witness who had attempted, as far as vague allusions could accomplish, to prove the fact of adulterous intercourse on board of this polacre, and to fix the precise time at which it took place. That witness was no other than Majocchi. It was not thought sufficient by this man, that, from the position of the sofas, and the situation of the tent, he should infer the fact; but he was brought to depose to his actual knowledge of its having taken place. He stated that he had heard a noise which resembled the creaking of a bed; and then, with the ready talent for mimicry for which he was so notorious, he had imitated the noise, from which their lordships were to infer that a criminal connexion had at that time taken place. That was an instance of the powers of his ear, only to be equalled by the wonderful capacity of his eyes, in the description which he had given of the scene at Naples, where, between sleeping and waking, he had observed her royal highness pass through his room to go to the chamber of Pergami; and, in this instance, he had heard noises through the deck. And from such evidence their lordships were called upon to infer that the connexion had taken place. But, to look a little more particularly at the evidence, it was unfortunate that Majocchi had stated that there was a sofa in the cabin where he slept; for from the evidence of Paturzo, it appeared he slept in the hold under the cabin, where there was a hammock regularly slung for him, and, therefore, there was a strong probability that he

slept there, and not in the cabin. But, when he talks of a sofa, it is necessary to look a little at Lieutenant Hownam's evidence. From what that officer stated, it appeared that there were only four sofas on board, two of which were lashed together in the princess's room, and two were placed in the Countess Oldi's room; so that he must have got to one of these cabins, taken the sofa out, and placed it over his head, in order to hear those sounds of which he spoke. This was a twin fact, as relating to hearing, to the one of eye-sight, which he had attempted to prove at Naples; and it was the only fact he spoke to, for there he had not attempted to state, that any of those indecencies had taken place which had been witnessed elsewhere.

"He had yesterday alluded to Lieutenant Hownam's belief that Pergami slept under the tent, and he should now advert to the opinion of Captain Flynn, who, on the contrary, supposed that Pergami had slept below, on the voyage from Jaffa. In that supposition there was great probability, for it was corroborated by Paturzo's evidence. Being asked where Pergami slept during the voyage from Jaffa, he said there were two beds under the tent; and when the tent was open Pergami was on the small bed, and the princess on the sofa; but that, when the tent was closed, he had no communication with that part of the ship, and, therefore, he did not know. He was then asked, 'Where were the beds placed during the voyage from Jaffa, which the princess and Pergami used, as described by you in the voyage from Tunis?' His answer was, 'On the sofa there was nothing else but a mattress of the princess's, which was doubled, and the other mattresses of the princess were placed upon the bed, where they had been placed at the beginning, below.' The witness was afterwards asked a question, to which he requested their lordships' particular attention: it was this—'You stated that the further part of the cabin was divided into two; in one of the rooms so formed slept the princess, and in the other the Countess of Oldi; and the bed of Pergami was placed in the dining-room; where were those two beds placed during the voyage from Jaffa?' To this Paturzo answered, 'The bed of the princess remained there where it was; as to the bed of Pergami, when he got up it was rolled up, for they had other things, their luggage; for the bed of Pergami had not a bedstead, but was put down on the planks of the corridor, and it was rolled up in the morning; but I never have paid attention to see whether the bed was there or not there.'—Now all this was perfectly consistent with what Captain Flynn had stated, who understood that the same arrangement pre-

vailed with respect to the beds on the voyage from Jaffa, as on the outward voyage.

"But there was another witness, whose deposition corroborated this supposition, and whose testimony would, doubtless, be allowed to have some weight on the other side; he meant Mademoiselle Demont. That witness was asked, 'What became of the bed that Pergami had occupied in the dining-room?' Her answer was, 'I do not recollect.' From this he inferred that the bed was occupied by Pergami; that the arrangements made on the preceding voyage with respect to his bed continued during the voyage from Jaffa. It would be going a great length to infer, from all that had been stated in evidence, that Pergami slept every night under the tent. Their lordships had heard what Lieutenant Hownam had stated on that subject; but he knew nothing of the matter except from hearsay. He had only stated what he heard from other persons. It was, therefore, natural to suppose, that, when the weather was fair, her majesty had her female attendants with her in the tent; but that when any alarm arose, in consequence of squally weather, or when danger was apprehended from the crew—a circumstance very likely to take place in those seas—it was likely that she would then be attended by some of the male part of her suite, and more particularly by her chamberlain, whose duty it was to assist and protect her in danger. It had been asked of Lieutenant Hownam, whether he did not conceive that Captain Flynn and himself, being seamen, would not have been a better protection for her majesty than a landsman? To which that officer answered, with the characteristic spirit of his profession, 'I hope we should:' but it was also in evidence that these officers were liable to be called up in the night on every squall that occurred, and of course might have been obliged to leave her royal highness at the moment when their assistance was most wanted. It was necessary not merely that there should be individuals ready to obey the call of her royal highness at any time, but that there should be also individuals ready to obey her call at all times when she might want her assistance. It was in evidence that her royal highness had never pulled off her clothes, either by night or day, for the purpose of reposing. It was true that she might have changed them; every other individual in her suite had done the same: but there was not a tittle of evidence to prove that she had ever pulled them off; and therefore, though, as Lieutenant Hownam had said, somebody might have slept upon the bedstead that was a right angles with the sofa, there was nothing to prove that Pergami had not slept below in the dining-cabin.

"The next point on which it became his duty to advert was the statement made by his learned friends on the opposite side with regard to the bath in the dining-cabin. If he could shew that, as they had described it, the circumstance was impossible —that the testimony given by Majocchi regarding it, had been afterwards contradicted by the testimony given by Demont—that her testimony, credible on no other point, was credible on that, because it proved a mathematical fact—he thought that he should shew sufficient to convince their lordships that no reliance ought to placed upon that statement. The testimony of Demont upon this point deserved the attention of their lordships, because it would be quite ridiculous to suppose, after what they had heard from her, that she would be anxious to invent a circumstance which could tell in favour of her royal mistress. What, then, had been the language of his learned friends? Why they had told their lordships that a lady of forty-eight years of age had been attended on board a polacre in the middle of the Mediterranean sea by an individual whose duty he (Mr. Denman) maintained it to be to attend upon her; and had then asked them to infer that a criminal intercourse had taken place between that lady and that attendant, on deck, under the awning of the ship, because, forsooth, the attendant had ordered a bath to be prepared for his mistress, and had afterwards sent a maid to wait upon her. Was there any thing in the circumstances of the case which could support so monstrous an inference? But what were the real circumstances out of which that story had been fabricated? he would shortly tell them. The natural mode of taking the bath was not in the dining-cabin, as Majocchi had stated, and as he (Mr. Denman) should prove that it could not have been taken; but in the dining-room, which their lordships would recollect was stated to be divided into two distinct parts by a screen; and surely their lordships would not infer that a guilty intercourse had occured, because, before the bath was taken, a male attendant had attended, as was usual at Paris and at other public baths on the continent, to see that the preparations were all ready, and the temperature of the water right. The witness to whose testimony he should appeal, in corroboration of what he had just asserted, was Gaetano Paturzo."

Here Mr. Denman looked for the evidence of Paturzo, but was not able to find it. Some time elapsing before it could be found, Mr. Denman apologized to their lordships for the delay, and, whilst his learned colleagues were searching for the passage to which he alluded, proceeded to the following effect:—

"He had just been reminded that the Sicilian witnesses had

thought proper to state, that when Pergami and her royal highness were in bed they could see each other, in Gaetano Paturzo's evidence, and in Vincenzo Gargiulo's; and yet Demont, when she was examined upon that point, did not confirm their statements, but merely said that she had heard them, when in their respective beds, addressing each other—a circumstance which, on board of a ship, was very natural, and which had never before been considered sufficient to raise a presumption of guilt. Gargiulo is asked 'What kind of bed was it that the princess occupied? was it a single bed, or was it a double bed?' and his answer is 'Two sofas joined together, that would make together six palms and a half; it was about the breadth of six feet and a half.' That was the size of the bed, according to Gargiulo; and Paturzo had proved the size of the room to be ten feet and a half. (Mr. Denman again found himself unable to refer to the immediate passage in Paturzo's evidence; whilst his learned friends were looking for it, he proceeded.)

"He had been just reminded of another contradiction which could be given to Majocchi's evidence, if, indeed, it were important to give any further contradiction to evidence which had already been so frequently contradicted. But Majocchi had denied the existence of any communication between the room of her royal highness and that of the Countess of Oldi; but such communication had been proved to exist, as well by Demont and the other witnesses as by the plan of the vessel which Paturzo had drawn at the bar of the house for the use of their lordships.

"The next part of the case to which the Attorney-General had called their attention was the case of Sacchi's arriving at night at the house of her royal highness—of his going immediately in search of Pergami—and of his seeing Pergami coming out of her royal highness's room; from all which it was inferred that at that time also a guilty intercourse had taken place. But if their lordships would look at the evidence, they would see that it by no means substantiated that charge: for, so far from saying any thing like what the Attorney-General had said, he merely stated Pergami was not in his own room, and that he saw him come out of another, of which he did not know who was the occupier; and from which, because he did not know who was the occupier, it was not to be inferred that it was her royal highness's.

'Did you return to the Villa d'Este on that night or on the following morning? I returned immediately after midnight.

'Upon your return, where did you go? I dismounted from my horse; I went into the kitchen, where I found a footman, whom I asked where M. Pergami was.

'In consequence of the answer, where did you go? I mounted the stairs, and went into the ante-room of the apartments of Pergami.

'What did you do on going into the ante-room? I found a servant of Pergami asleep; and I went towards Pergami's bed-room; finding the door open, I went in, and saw the bed of Pergami tumbled, but there was nobody in it.'

Here, said Mr. Denman, are two servants of Pergami, who could have confirmed the testimony of Sacchi, and yet neither of them had been called for that purpose. The examination then proceeded :—

'What did you do upon that? I went away, and in going away I heard a noise on the opposite side, and at the same time I heard, "Who is there?" Then I knew that it was the voice of Pergami, to whom I answered that it was the courier returned from Milan. Pergami told me that there was no such necessity to give him this answer.

'How was Pergami dressed at the time? In his dressing-gown.

'Did you perceive what he had on under his dressing-gown? I saw only his breast, which was unbuttoned or untied, and I saw nothing else but his shirt.

'In what place was it that you saw Pergami? I saw him in a room where there was a door opposite to the door of his room.

'Did you see where Pergami came from? *I could not see on account of the darkness.*

'Where did that door lead to, which you have mentioned, which was opposite Pergami's room? It led into more rooms.

'Who occupied those rooms? No one.

'Do you know what room was beyond those rooms? do you know where the princess slept? I do not.

'Do you know where the princess's bed-room was? I do not.'

"And yet (continued Mr. Denman) from this ignorance your lordships are called upon to infer that it was her royal highness's bed-room. But in a subsequent part of his evidence it was attempted to prove, directly, that this room was her royal highness's room: and how? Sacchi was sent with a letter to General Pino. On his return he delivers the answer to the princess in her ante-chamber; that ante-chamber is near the place from which he saw Pergami coming on the night of his return from Milan, and, therefore, is the very room from which Pergami came. But the misfortune of all this argument was, that no date had been assigned to this transaction, and yet it appeared in evidence that her royal highness had made considerable alterations in the interior of the Villa d'Este. It became their lordships to consider whether those alterations had or had not been made between the two events of which Sacchi spoke: if they had taken place (and had any date been assigned to the transaction, the counsel for the queen might have shewn whether they had or not), he would ask whether it was consistent with common sense to take it for granted as the advocates for the bill had, that Pergami had come out of her royal highness's room? In his opinion, it was impossible

that any reasonable mind could come to such a conclusion: that charge was therefore completely got rid of, even as the evidence then stood. He would now desire their lordships to revert to the statements which he had formerly made regarding the bath scene, and to the manner in which he had introduced them. The evidence which he had supposed that Paturzo had given, regarding the size of the dining-cabin, had been given by Majocchi.

'What was the size of the bath-room? Perhaps from here to the first bench, from six to seven feet—a small room.

'What furniture was there in that room? I remember that there was a sofa-bed, or sofa, where in the morning we placed the cushions when we opened the tent.'

"Now, if their lordships referred to the evidence which he had formerly read to them, regarding the size of this sofa-bed, they would find it to be six or seven feet long; and yet in a room of the size which Majocchi had mentioned, containing furniture of such relative magnitude as Gargiulo had described, their lordships were called upon to believe that this celebrated bath scene had actually occurred.

"The learned counsel then proceeded to observe, that it might be almost worth while to make out a catalogue of the charges adduced against her royal highness, distinguishing those which were supported by several witnesses from those which were supported by a single witness only. There were 16 overt acts of this latter class alleged in the Attorney-General's opening speech; of which three were said to have occurred at Naples, and were to be proved by the evidence of Demont. Their lordships must be well aware that the three overt acts to which he then alluded, were the occurrences on the night of her majesty's visiting the opera—the occurrences at the masked ball in the Theatre San Carlos—and the meeting in the corridor—all which rested on her evidence, and on her evidence alone, and in which, therefore, she could not be contradicted by any other witnesses as effectually as she had been contradicted on every other point. Then came the two cases at Varrese and Lugano, of which the Attorney-General had said so much in his opening speech, but which—he begged his learned friend's pardon—he had not even attempted to support by a single witness. Then came the case at Catania, which depended on Demont's evidence alone; then the case at Savona, also resting upon one evidence; then the tent scene at Ephesus; the Caffa Turk, described by Majocchi, which he alone had seen, but which had been fully disproved by other testimony. Next to these came Sacchi's return at midnight from Milan, with a letter from General Pino, and the discoveries subsequent thereon,

of which nobody could say a word except Sacchi himself; and, to conclude all these, next came the case to which he must then particularly call the attention of their lordships--the case of Scharnitz, proved as it was by the evidence of Demont, and of no other witness. What could appear more satisfactory than the account which his learned friend the Attorney-General had given of the circumstances which had occurred there? There was a lady of high and distinguished rank disturbed in her bed at midnight; her waiting-maid was sleeping in the same room with her—a gentleman entered—the waiting-maid was dismissed—and the gentleman and lady immediately proceeded to that most intimate matrimonial connexion which it was the object of the bill to establish. Now was it possible to imagine a more clear and convincing case? If such facts had really been proved—if there had been no bustle, no interruption, no long delay---if the lady had really undressed to go to bed, or if the lady and gentleman had gone into the same bed, from which it would have been only fair to infer that they had both gone into it undressed---they (the queen's counsel) could not have held up their heads in court for a single moment, unless they could have shown that the witness who had sworn to the facts was unworthy of credit in every particular. They had, however, done more than this---they had not merely shown that no credit was to be attached to the testimony of that witness, but they had actually disproved every tittle of it. They now intended to go further---they charged that particular witness with an intention of deceiving the counsel for the bill, by stating to them circumstances which made out a *prima facie* case of guilt against her royal highness, and by withholding from them at the same time certain other facts which were fully within her knowledge, and which explained away the other suspicious circumstances. For, what were the real facts of this case? It was true that Pergami and Vassali had gone from Scharnitz to Inspruck about passports---that they had returned between two and three o'clock in the morning---that Demont had left her bed when they returned---that immediately afterwards the whole party was in motion---and that they left the place as soon as the unwieldy equipage of a royal personage could be put in motion, during snowy weather, and in the peculiar circumstances under which the whole party was placed. Her majesty was then upon her road to the palace at Rastadt, which she had once intended to take, though she had afterwards been prohibited from occupying it: and during the whole of her journey to that place she had been received with all the honours and attentions which were so eminently

due to her rank and character. On that evening, however, in consequence of some mistake in her passports, she had been obliged to stop at a miserable inn, in which there was scarcely a room for her to rest under any circumstances, where there was no accommodation for her suite, where the greatest part of them were compelled to lie upon straw, and where all were obliged to keep on their clothes, except, as Demont wished at first to insinuate, herself and her royal highness. This is all the evidence offered by the counsel for the bill to make out this part of the case:---

'Who went to bed in that room besides her royal highness? did any body? Myself.

'Did Pergami return from Inspruck that night? Yes.

'As well as you can recollect, how long after you were in bed? I do not recollect precisely, because I had already fallen asleep.

'Did you sleep in the same bed with the princess, or in another bed? In a small bed, which was laid on the floor.

'Upon the arrival of Pergami, did you receive any orders from her royal highness? Did she tell you what you were to do? Her royal highness told me that I might take my bed and go.'

"It was very probable, (continued Mr. Denman,) that she had done so; for when Captain Vassali arrived there was no second bed in the room; the little Victorine was on her royal highness's bed, her royal highness was dressed, and every preparation was immediately made in order to enable her to start as soon as ever the sun should dawn. Whilst upon this point it would be important for their lordships to refer to the evidence given by Lieut. Hownam. But, before they did that, it was necessary for him to remind them, that in the case, as it was first proved by Demont, there was nothing to show whether her royal highness was dressed or undressed, but they were left to suppose that she was without her clothes, as she had gone to bed. In another place she had let out a fact which showed that there was no criminality whatever in the case. It there appeared that to bed her royal highness did not go at all, in the ordinary acceptation of the phrase, but that she had been resting on it till Pergami returned, and that too in the clothes which she had worn during the day. The evidence was as follows:---

'Was there frost or snow upon the ground? There was a great deal of snow.

'It was a poor inn, an indifferent inn, was it not? A small inn.

'You are understood to say that you were upon a bed in the room of the princess: was it so? Yes.

'Had you taken off your clothes? Not entirely.

'Had you taken off more than your gown? I do not perfectly recollect, but I believe not.'

"So she clung firmly to this ambiguity about clothes. At

first their lordships would have supposed that she had been naked, but at last it appears that she had not taken off more than her gown. His learned friend had then asked—

'Had the princess undressed? I do not recollect; she was in bed; but I do not recollect whether she was undressed.

'Do you remember the dress that the princess was in the habit of wearing at that time? Yes.

'Was it not a blue habit trimmed with fur, &c.? Yes, there was a great deal of fur about her dress.'

"So that at last it had been drawn from the witness that her royal highness was not naked, but in a fur dress, which, by-the-by, was not very well adapted for any such purposes as were imputed to her. After this, Demont was asked another question, from her answer to which it appeared, that, having been let into the secret that her royal highness and Pergami were living on the same terms as husbands and wives, and were indulging in all conjugal endearments, she was forthwith turned out of her royal highness's service, to which she had never afterwards been allowed to return. And now, that he was upon this subject, he would take the liberty of making a few comments upon the letters of this witness, on account of which, though they contained direct proofs of her insincerity, the counsel for the bill had contended that she ought to be believed.

"His learned friends on the other side contended, that Demont's intention was to inform her royal highness that there were certain persons who were ready to pay her for the secrets which she possessed, and that she was ready to conceal or discover those secrets, according to the manner in which her royal highness treated her. Taking the letter in that point of view, what did it amount to? It was a threatening letter. He would, however, maintain that such a construction ought not to have been put upon that letter. The more natural construction to put upon it was this—that she, being not in absolute want, but in no great abundance of money, had written to her sister, desiring her to use greater economy. Her language was, in effect this—'I am denuded of every thing, owing to my carelessness. Do not you commit the same fault. I have been assailed, in consequence, by several gentlemen from London, whom I know to be spies on her royal highness. They have promised me a brilliant establishment if I will depose against her. I know the meaning of their offers; they want me to depose to certain facts'—of which, according to the statement of the Attorney-General, she was the dangerous depositary. Let the construction of that letter be what it might, the conduct of her royal highness, upon hearing of its contents, was well worthy of their lordships consideration

Had her royal highness taken any steps to prevent her disclosing the secrets which she was supposed to possess? Had she offered her money? Had she pursued any other measures to conciliate this woman to her interests? No; she left her, without any offer, to her own discretion, until Sacchi took her off to Milan, to give her evidence before that celebrated commission. It was therefore impossible to suppose that she possessed any secret which could derogate from the character of her royal highness; and therefore, even taking that sordid view of the case which was taken by his learned friend the Solicitor-General, it showed that the servant was artful, and the mistress innocent. But, from the view of the case which he (Mr. Denman) had taken, he believed the mistress to be innocent, and the servant, at that time, honest.

"He would now return to the occurrences at Scharnitz. Mr. Hownam had stated, that it had been necessary for some person to go back to Inspruck to procure passports; that Pergami and Count Vassali had gone back for that purpose; and that they returned very late, about one or two o'clock in the morning. Lieut. Hownam was cross-examined on this point, and it would then have been very easy for the counsel for the bill, with the information which they were daily receiving from their valuable acquaintance, Sacchi and Demont, to have reminded him of any minor details, if such there had been, to shake his evidence. Did they do any thing like this? On the contrary, they asked him a thousand questions about the passports, and the snow, and the barriers, and the luggage; but, in all the questions they had put to him, there was not a single question calculated to elicit a contrary fact; and therefore, assuming his evidence to be perfectly unimpeachable, he should next proceed to the evidence of Count Vassali.

"Now, in introducing Count Vassali to their lordships notice, he scarcely thought it necessary to observe, that his having been a private soldier in the royal guard of the King of Italy was no reflection upon him, nor at all inconsistent with the rank which he at present held. Indeed, when they recollected his military air and polished demeanour, they would see how unlikely it was that he should have arisen from an humble rank in society. Those of their lordships who were at all acquainted with the Continent must be aware, that they could hardly go into any town where there was a respectable young man, without finding that he had been, at some time or other, appointed as a guard of honour either to the Emperor Napoleon, Josephine, Maria Louisa, or the Emperor of Austria, on their passage through that town.

"The following were part of Vassali's answers:—'It was

necessary for Pergami and myself to go from Scharnitz to Inspruck about the passports. We set off after dinner, after 12 o'clock, and returned between two and three in the morning. On our return we went into the room of her royal highness, whom we found sitting on the bed—leaning—half-lying—covered with shawls, or something like it. After we had entered, Schiavini, and then the Countess of Oldi, came into her royal highness's room from her own; the little Victorine was there also; and he added, that when he first returned from Inspruck, he saw her on the bed along with her royal highness, which Mad. Demont had carefully kept out of sight, as well as that she herself and her royal highness were fully dressed. In the course of the morning an officer had arrived from the police, with whom he (Vassali) had some conversation: after which he was frequently in and out to her royal highness, making communications to her about the roads and the weather. The suite remained up all night, making preparations for her departure.' When he was pressed regarding the bustle of this preparation, he gave that answer which every person would see to be correct—'That a person was not easy, that he was always in movement, when he was obliged to wait upon a person of her royal highness's quality; in short, a person was in eternal movement.' He likewise gave such a statement as rendered the impatience of her royal highness to proceed on her journey perfectly natural. He said that she had been reposing on the bed from 12 o'clock on the preceding day, and, therefore, that she could not be in want of rest. This statement of Vassali's was in perfect consistence with that of Lieut. Hownam, and therefore little doubt could be entertained of its truth.

"From another part of the evidence it also appeared, that Sacchi had been sent to Scharnitz; and yet, extraordinary as it might appear, no question had been put to him about this part of the transaction, to elicit his information on the subject, or to gain his corroboration to the evidence of Demont; though, from the nature of her evidence, and the manner in which she had been cross-examined, the Attorney-General must have known that it would be questioned, and that it was, therefore, important to corroborate it by such evidence as that of Sacchi.

"The next part of the case related to what was said to have occurred at Carlsruhe: and here he could not help deploring the situation in which her royal highness had been so long placed. In the consideration of this case it would be impossible not to refer, over and over again, to the extraordinary calamities of her married life. She had left the country, after

having undergone and defeated one prosecution; but still followed by reports invented and circulated by the rancorous malignity of her enemies. She knew that she was surrounded by those who were anxious to destroy, not merely her reputation, but her life: and yet she resorted, in the course of her travels, to not less than fifty inns, at none of which had any thing criminal been attempted to be imputed to her, except by the respectable Pietro Cuchi, and the equally respectable Barbara Kress.

"He could not help again referring to the general statement which he had made yesterday. If there was any adulterous intercourse passing between her royal highness and Pergami, how happened it that with a chambermaid, anxious to discover so important a secret, the linen had not in this, as it had in other instances, betrayed that guilty intercourse? How was it in the intercourse which it was alleged had occurred in the polacre? There, it was true, there was not any, what he should call bodily linen, to betray it; but then there was the matting! Did it betray any marks of such intercourse? There was not even an attempt to exact such a fact from Demont; and if she had said that there were any marks on it, she knew that she must be immediately contradicted. Now how stood the fact at Carlsruhe? Was it possible to doubt, that, from some unfortunate attempt to destroy this illustrious lady, individuals thought that it might be to their advantage to pursue her with fresh calumnies? How else came it to pass that, for the first time since the Reformation, a Hanoverian minister had been sent to the court of Rome? Why, for the first time, had the minister of this Protestant court been accredited to his holiness the Pope? Why was it, except that the Baron Ompteda might sit at her royal highness's table, at once her guest and her betrayer? Why, whenever a question had been put regarding the name of that individual, had one of his learned friends always started up with an objection—always closed the mouth of the witness, and created an obstacle to the investigation of truth, which they had repeatedly declared was the sole object of their labours? It was evident that Majocchi had been instructed by somebody, and for some hidden reason, to say that he did not even know the name of Ompteda; that it was as unknown to him as that of any chieftain in the Sandwich Islands. He was asked, did not the baron dine at the table of her royal highness? His answer was, that he might have done so, but that he did not know him. Then he got to a sort of a half-knowledge of him as a Prussian baron with an extraordinary name; but yet he knew nothing of his extraordinary transactions. Demont, however, admitted

that she knew his name; but she, kind soul! knew nothing of his being a spy—she had never heard of his picking any locks, and had never been informed that he had made any attempt to obtain her mistress's letters, until she was told so at the bar of their lordships.

"He had called their attention to the evidence which had been given in this case; but it was quite as important that they should give it to the evidence which had been suppressed; for they had been told by Rastelli, that active agent of the Milan commission, who had been abstracted from the country, that he had accompanied Mr. Cook, who was at the head of that commission, to Frankfort, to see Maurice Credi, who it was in evidence had confessed to Lieut. Hownam that he had been employed to pick the locks of her royal highness's cabinets by the Baron Ompteda. Why was not Maurice Credi, whom he knew to be in England, called in behalf of the prosecution? He was without doubt as ready to have told all that he knew, and perhaps more than he knew, as any of the witnesses who had been examined. But his learned friends on the opposite side were aware that, if they had placed him at the bar, he would have been compelled to disclose all the transactions in which Ompteda had employed him. He had been examined by Mr. Cook: why, he would ask their lordships, had he not been examined by the Attorney-General? There was another witness also in the country, of the name of Annette Preising, the attendant chambermaid with Demont; but she had not been called, though the Attorney-General had declared himself willing to prove every thing material on either side.

"Now, with regard to the evidence of Majocchi, their lordships could not have forgotten that when he had denied all knowledge of Ompteda, and said that he was quite a stranger, even to his name, he (Mr. Denman) had introduced to their notice the evidence of Wm. Carrington, and had then called his attention to different circumstances which he had mentioned. Wm. Carrington had no sooner left the bar, with the approbation of every honest man who had heard him, than materials for his cross-examination were sought after by the first lord of the Admiralty. Carrington's captain was sent for to town, and the whole of his life was submitted to the strictest examination. Did he (Mr. Denman) complain of this? By no means: if it were not irregular, he would with all due humility return his thanks to the noble lord for it, because he would say of that individual what foreign writers had said of the English nation—that you might find gentlemen, in the general sense of the word, among the lowest classes in it. He would say of Wm. Carrington, that, in whatever rank in life he

had been placed, nature had made him a gentleman, and that his evidence was placed far out of the reach of all dispute. In the course of his evidence he positively stated, in more than one or two places, that he held conversations with Majocchi on the subject of the Baron Ompteda. In the course of a long and minute cross-examination, the same consistent story was adhered to, and he (Mr. Denman) would assert that it was impossible for any evidence to be more clear or satisfactory than that given by him on this point, and indeed on every part of the case to which his testimony referred. It was evident, then, that Majocchi had spoken of the conduct of Ompteda; that he had expressed indignation at his attempts at corrupting her royal highness's servants; and he added the emphatic expression, that 'if he met him on the road he would kill him like a dog.' In the three strict cross-examinations which he underwent, his evidence remained unshaken, and in no one point had he contradicted himself, or was he contradicted by others. It was also clear that his account about being a midshipman was correct, that he had served in the *Poictiers*, and that Sir John Beresford declared that he had no man whom he wished less to part with than Carrington. If his learned friends on the other side could have contradicted the evidence of this man, or of any of the witnesses who appeared for her majesty, what advantages did they not possess over the queen's counsel in this respect, and how advantageously were they placed with regard to the difficulty of contradicting their witnesses?—they whose whole case was made up by foreign witnesses, the subjects of powers who were so very unwilling to let some persons come over—who were so ready to give permission to others—nay, to force them to come—who were so shy of even verifying some documents which were sent to them—(and this circumstance he begged to remind their lordships, showed the unparalleled difficulties of her majesty's situation). The very fact of the witnesses being foreigners, gave them a protection from the chance of detection. If they were persons who were known, might it not have been in the power of her majesty's counsel to have given evidence of their former situation and conduct, and perhaps to have shown that they were persons who were every way unworthy of being believed in a court of justice? From all this, however, their being foreigners protected them. This was a disadvantage to her majesty's case, but fortunately it was compensated by her counsel being able to contradict those swearers out of their own mouths, in cases where it would be difficult otherwise to disprove their testimony. If, then, this story of Baron Ompteda was true, did it not prove to their lordships that spies had

been set to watch the conduct of her royal highness—to note down her most innocent actions, for the purpose of torturing them into evidence of guilt?

"He now came to what was said to have occurred at Carlsruhe; and here he would point it out as remarkably coinciding with the opinion he had just stated, that not fewer than three ministers were employed in sending this witness to England; and that one of those very ministers, on her royal highness's arrival, had invited her to accept of his rooms at the inn, which, the very moment she quitted, he returned to, and ran about busily examining every little circumstance which he thought could lead to even a suspicion of guilt. Could there be a doubt on any man's mind that these persons so employed, had thought they had caught her majesty in a trap from which she should not be able to escape, and that they were anxious to find some willing instrument to depose against her? Now what had the witness (Kress) said? She described herself as having seen the princess sitting on Pergami's bed, Pergami having his arm round her neck, which he let fall the moment the witness appeared: and here the remark which he had so often made again occurred—that each witness who is called to any particular point, so shaped his testimony, as that that part of the case rested only with himself. This Kress, however, did receive a contradiction from the witness Sacchi—a contradiction which he could not have given without suspicion to himself. The evidence of Kress on this point was as follows:

'What sort of bed was placed in No. 12? A broad bed.

'Was that bed in No. 12 before the princess arrived? or was it placed there after her arrival, and in consequence of that arrival? There was another there before, but I had been ordered to put a broad bed; I had been obliged to put this broad bed in before the Princess of Wales arrived.

'Had the courier of the Princess of Wales arrived before that bed was placed? The courier had arrived: and then I placed this broad bed to which I allude.'

"Now, continued Mr. Denman, the inference intended to be drawn was, that the courier had been sent on to have a broad bed placed, as the beds at Carlsruhe were small: but Sacchi said, 'I continued to distribute the lodgings as far as Carlsruhe; but when we arrived at Carlsruhe, there having happened the thing that had happened at Turin, that is to say, the change of the bed-rooms, I did not meddle with it any more during the rest of the journey, leaving to her royal highness and Pergami to choose what rooms they liked best.' So that, so far was he from giving directions for the change of the arrangements, those he made were altered. Here, then, was a

manifest contradiction to Kress. Now, Kress stated, that having to carry water to the room No. 12., she saw Pergami as he had before described; and she also said, 'the courier had arrived, and *then* I placed the large bed,' *&c.* But might she not have got that order from the officious Mr. Baron Grimm, who seemed to interest himself so much about the disposition of her royal highness's room? But, be that as it might, Kress declared that when she got to the room her royal highness started up, as if frightened at being seen. He begged their lordships attention to what she admitted in her cross-examination on this point. She was asked—

'After you had seen the person you took for the princess in the evening in Pergami's room, did you go to see whether the Countess of Oldi was in her room? No, I carried water immediately to No. 5, and there they were standing; at No. 5 the countess lodged.

'Did you not go to No. 5, in order to see whether the countess was there? Yes, I went just there.

'Did you not go there for the purpose of seeing whether the countess was there? I went, and saw just that it was the princess.

'Did you not go there for the purpose of seeing whether the countess was there? No, I went not there; I just carried the water there.

'Will you swear you did not go to that room, upon the oath you have taken, in order to ascertain whether the countess was there? I went just there to carry the water, because I must do this, as I did it every evening.

'Will you swear, by the oath you have taken, that you did not go to the room in part for the purpose of ascertaining whether the countess was there? I cannot say this; I did not go for that purpose; I have never thought that I should be asked about this.' And, continued Mr. Denman, the interpreter added, she says 'I have never had any thought about this; I never thought that I should be asked about it.'

"So it appeared she knew well what she was to be asked, but such a point as this was, of course, not put into her mind. She was then asked—

'Will you swear, upon the oath you have taken, that you have never told any person that you did go to the room of the countess for the purpose of seeing whether she was there or not? I cannot recollect it; I have no thought about it, whether I have said it to any body.

'Will you swear that you have never had any conversation with any person about your going into Madame Oldi's room that night? I can swear that I never had a conversation with any body about this matter, namely, that I went there for the purpose of ascertaining whether the Countess of Oldi was there or not.

'Will you swear that you have never had any conversation with any person about your going into Madame Oldi's room that night? Nobody has asked me—nobody told me any thing; there was a gentleman who asked me whether I had been in the room; I told it to the gentleman who had asked me.

"So that it appeared she could not recollect the conversation, or whether she had any; nor could she recollect her having gone to the Countess of Oldi's room for the purpose of ascer-

taining whether she was there. At best, she was in doubt as to who was there; and when their lordships took that circumstance, and the other fact where she was contradicted, into consideration, they would, he was sure, see that, instead of this shewing any guilt on the part of her royal highness, it only manifested the incessant efforts which were made to adduce something which might affect her character. The exertions which were made to induce this woman to give her story were astonishing, and full proof of the efforts which he had just spoken of. She was taken to Hanover, and there questioned by one ambassador; to Frankfort, and examined by another; and though she did not speak of a recompence, their lordship's would judge whether the compensation which she admitted was not sufficient for one of her description. The story of the grey cloak, which this witness said she saw one morning on Pergami's bed, and which she afterwards saw on the princess, was allowed to rest upon her unsupported testimony. She spoke of having seen stains on the bed; but this part of her account was left isolated. They were not told whether this occurred before or after the alleged scene of the princess sitting on Pergami's bed, nor was it said to be before or after her having found the cloak. All that was said by Kress about them was, that she had seen stains on the bed, and that they were wet and white. Now when their lordships looked at the other parts of the case, they would find that this was impossible. He said it was impossible that if there were such stains as was wished to be inferred, they could be white, and in a state of humidity. Kress stated that she was a married woman, and had often made the beds of married persons; but when asked to describe the stains she had seen, she replied 'You will pardon me, I have not reflected on this—I have had no thoughts on it whatever.' If she had no thoughts on it whatever, why was she brought here? If what she had stated was true, why she would have declared it, and not have been seized with the fit of modesty for which he had heard her praised. Her's, however, were not the blushes of expiring modesty; no, they were the blushes of expiring truth, which she struggled to give up at their lordship's bar; for she knew she was swearing what was false; and to prove this perjury with which he charged her, he would call their lordship's attention to a part of Lieut. Hownam's evidence—

'Do you remember being at Carlsruhe? I do.

'Who received her royal highness at Carlsruhe? There was a grand chamberlain received her royal highness on getting out of her carriage, and a chamberlain appointed to attend her always after.

'Do you remember the name of that gentleman? The Baron d'Ende.

'Did her royal highness pass the greater part of her time at court, or in retirement; whilst she was there? Almost always at court, or in the family of the Grand Duke.

'Where did her royal highness usually dine during her stay at Carlsruhe? At court, or else at the Margravine's, the Grand Duke's mother.'

"Here, then, their lordships had it in evidence that the utmost attentions were paid to, and parties made to receive, this illustrious lady, who had been described as a destitute outcast from the society of her relatives; as a prostitute who had degraded herself, her rank, and her country, and who was no longer worthy to be continued in the enjoyment of the honours of her elevated station. Yet their lordships found that, so far from this being the case—so far from her royal highness shunning or being shunned by her illustrious friends and relatives on the continent, she sought their society, and her company was sought by them. Lieut. Hownam was asked—

'You have said that the princess dined with the grand duke, except one day that she dined with the margravine; did you dine in company with her royal highness on those occasions? I did.

'You have said that she supped at the grand duke's, and also at the margravine's; did you sup in company with her? I did.

'At what o'clock, at that court, is the dinner? I cannot positively recollect.

'About what hour? I do not recollect the hour sufficiently to be able to mark it.

'Have you any recollection of the lateness of the hour of supper, and the evening parties there? I cannot say to what hour they lasted; probably twelve o'clock.

'Can you of your own knowledge say whether the princess had time to return home between dinner and supper—between the dinner and subsequently going to the other house, or supping at the same house? I should imagine yes.

'Did she, to your knowledge, on any one of those days, return home between the dinner and the supper? I do not recollect that.

'Will you undertake to say that she did not? I will undertake to say that I do not recollect the circumstance: if I had the smallest recollection of it, I have no end in keeping it back, in withholding it'

"And certainly (continued Mr. Denman) this was an assertion of Mr. Hownam's, for which every one who heard his evidence, and saw his manner, would give him full credit. He would have told it, if it had occurred, if he had recollected it. His evidence, as far it went, contradicted that of Kress; but it was directly and positively refuted by the evidence of Count Vassali. Their lordships would bear in mind that the time mentioned by Kress as that at which she saw the princess in Pergami's room with his hand round her neck was between seven and eight in the evening. In Vassali's evidence, he stated that they arrived at Carlsruhe on the 25th of March, and remained there till the 30th; that every day her royal highness dined with the grand duke or the margravine, and

that she also supped and spent the evenings with them. He also stated that Pergami was taken ill on the second day. He was asked—

'Do you remember where you dined the second day? At the grand duke's.

'Did her royal highness dine there? Yes.

'Did Pergami dine there? Yes.

'And the Countess Oldi? Yes.

'Did Pergami and the Countess Oldi remain there the whole afternoon? No.

'What did they do? Pergami complained of the headache, and caused his sister to accompany him to the inn.

'About what time in the evening was it? About five o'clock.

'Did her royal highness leave the grand duke's at that time? She remained with the grand duchess.

'Did you remain? I did.'

"This circumstance of Pergami's illness was too remarkable to escape his memory, and he accordingly recollected it minutely. He was next asked—

'Did you come away with the princess? Yes.

'At what hour? Late in the evening.

'What was done at the grand duke's after Pergami and Countess Oldi went home? Among other things they sang.

'Did you sing yourself? With the grand duchess.'

"He was asked to fix the time at which the dinners took place, and also at what hour the theatre and the evening parties commenced, and he does it in such a precise manner as not to leave the slightest doubt on the subject. He described the dinner hour as at about three o'clock, and that they remained at table till about half-past four. The evening parties began between seven and eight, at which time her royal highness returned from the grand duke's on the night to which Kress's evidence applied. Now, at first, this answer of Vassali's might seem to be somewhat in confirmation of Kress; but, in another part of his evidence, he so far accounts for the whole time as not to leave a doubt on any mind that what Kress said must be false. He was asked, "Are you rightly understood that on the second night of her royal highness's residence at Carlsruhe she returned from court to the inn at between seven and eight o'clock? Between seven and eight o'clock.' The following questions were put to Vassali at the request of his learned friend Mr. Brougham:—

'When her royal highness returned, the second night she was at Carlsruhe, from the palace to the inn, did you accompany her? I did not.

'When did you go there? When she returned home between seven and eight o'clock.

'That is the time at which you are asked did you accompany her? Yes, between seven and eight.

'Into what room did you accompany her royal highness? The saloon.

'Whom did you find there? Pergami and his sister; and another person of the suite came to meet her.

'Was Pergami dressed at the time? He was in an uniform.

'How was her royal highness dressed at that time? I cannot remember how she was dressed.

'Do you recollect whether she was in a court or state dress? In a dress of great splendour.

'Did her royal highness remain for any time in what you call the saloon? Some time; then we went to the margravine's.

'Did you go altogether, Pergami accompanying her royal highness as well as yourself? Yes.

'How long did you all remain at the evening party at court after that? Till about ten o'clock.

'Did the princess remain in the saloon the whole evening, from her return from dinner till she went out to the evening party? Yes.'

"Here, then, their lordships had the whole time of the evening accounted for, so that it was impossible the story of Kress could be true, unless, indeed, they could believe that Vassali had perjured himself, which he conceived no one who heard him could for a moment imagine. His learned friend had put some questions to Vassali about the times and places f dining, particularly with the king at Munich, every day they remained there, and he accounted for them all in a satisfactory manner; and though he might not have been as minute m his recollection on this as on what took place at Carlsruhe, yet it was more natural that the latter should impress itself on his mind, he having dined every day either with the grand duke or the margravine. Here, then, was an end of the story of Kress. It was most completely upset by the most convincing evidence, and if there were no other circumstance to be adduced, this one would be sufficient to cast suspicion on the rest of the case. But if they effectually destroyed the testimony of Kress, the female waiter, what could be said with respect to that of the male waiter—this man who, thinking that something might be got by it, occupied himself in peeping through a key-hole---(a most happy employment for a person of his honourable profession)---where he saw Pergami, four or five mornings out of the six which he said they remained at Trieste, coming in a sort of undress from the room of her royal highness? What should be said of this waiter, who, speculating in the profitable trade of a witness, adventured to England to try his fortune in that character? But he would not describe him; if their lordships forgot the man, they would never forget his learned friend's (Mr. Brougham's) portrait of him. It was remarkable that the only two witnesses who spoke to such acts as this Pietro Cuchi had described were not only unsupported in their statement, but actually contradicted themselves. This man spoke positively to her royal highness remaining at the inn for six days; but on this

part of the subject no question was asked of Demont or Sacchi. Cuchi swore positively he could not be mistaken as to the length of time being six days, though he could not recollect whether a Sunday was one of them. His account was, that through a small hole in the wainscot—a secret place which could not be visible to any person within the dining-room—he saw all the circumstances which he describes. He saw this walking from the room of the princess by Pergami, four or five times. He saw the parties conversing familiarly every day of the six days they remained. Now it was most true that her royal highness remained only one night at Trieste. He, however, as a lawyer, would not press this subject further. It would hereafter come on in another place—for her majesty's counsel did not think they could perform their duty, if they did not place the perjuries of this waiter in such a light as that they must receive their deserts. If he were to be found at Cotton-garden in proper time—if he should not (imitating the example of Rastelli) have gone off to quiet the fears of his anxious relatives on the Continent—if, he repeated, he were to be found at Cotton-garden in proper time, her majesty's counsel owed it to her majesty, they owed it to the human race, to show that such wretches as this could not, by wilful and corrupt perjury, impeach the character of the realm, and, in England, be allowed to escape with impunity. The testimony of this waiter was most satisfactorily refuted by the evidence of Mr. Hownam. He positively stated that her royal highness and suite arrived at Trieste, and remained there only one night. They arrived on the 15th, and left it on the evening of the 16th. This fact was particularly fixed in the mind of Lieut. Hownam; for, on the evening of his arrival at Venice from Trieste, he wrote a letter to the lady whom he since married, which letter was put into the post-office on the 17th. That letter, he stated, he had now in his possession, and which bore the Venice post-mark upon it. Upon this testimony the Attorney-General offered no question. If this positive disproval of Cuchi's account, this downright proof of his perjury, needed confirmation, it would be found to be amply confirmed by the evidence of Count Vassali. He did not mean to dwell further upon some of the low and disgusting details which were stated on this part of the evidence; for, if this were only a case of key-holes and chamberpots, he was sure their lordships would not be sitting there to investigate it; yet he could not but inquire why had not Demont been examined upon this evidence? Why had she never said a word about it? The reason was plain—because in that case she must have known that she could be

positively contradicted. Surely, if Pergami had slept out of his room, and in that of her royal highness, or if she had slept in his, it must have been known to those who attended to their rooms, and of course to this chambermaid, by the appearance of the beds on the next morning. In the absence, then, of such evidence, which it was most easy to produce, if the facts were true as stated, what was to be inferred, but that the adulterous intercourse had not taken place?

"It was evident that the object in carrying on this prosecution now was, to affix a stigma on her majesty, and to attribute to her conduct implying indelicacy, and which was disgraceful to her rank. The Attorney-General had, in his opening speech, dwelt on the scenes at the Barona with an emphasis which led him to expect evidence of a most minute and circumstantial and undoubted kind. According to that statement, the Villa at the Barona was nothing better than a brothel; the balls which were given there were not frequented by persons of rank and character, but by individuals as low in rank as they were low and degraded in their morals. This representation had been seconded and enforced by the Solicitor-General in his summing up, and he would say that it was a statement which ought not to have been made without the consciousness of ability to make it good by clear and indubitable testimony. But it had not been proved either that these scenes occurred with the knowledge of her majesty, or that they occurred at all. Their lordships could not forget the endeavour made to convert the exhibition of the tricks of Mahomet, a person described as undeserving the name of man, into a most serious charge against his royal client. No one circumstance of indecency had, however, been established in evidence, as connected with this transaction. Then again it was asserted that persons of distinction who had previously been in attendance on her majesty's person could attend no longer, and withdrew in consequence of what they observed to be passing at these balls. The immorality was described as having been so great, that they could not, with any due care of their own reputation, remain longer to give their countenance to what was going forward. But after such a representation, was it not natural to expect—was it not in effect necessary to the case—that some of these individuals should be called?

"It was too much for any counsel to talk of motives as well as actions, without being able to prove the facts contained in his allegations. These censors of morals—these delicate critics on propriety—these persons of rank—were not to be found amongst the witnesses for the prosecution.

The only witnesses were Demont, Majocchi, and Sacchi; every other witness stated distinctly that he had never seen any impropriety, nor experienced any disgust at what took place at the Barona. They all agreed that if any thing irregular happened, it did not fall under her royal highness's observation. It was in evidence, that during the stay of two months which her royal highness made at the Barona, Pergami was absent for a considerable part of the time; and as to the usual deportment which was observed between her royal highness and Pergami, the whole that was stated by their own witnesses on the other side amounted to this—that her royal highness sometimes used the pronoun 'thou' in addressing Pergami, and that he used the word 'princess.' One of the questions put by his learned friends was, 'Did you observe, during this time, Pergami doing any thing to the princess?' To be sure such a question was a pretty good *bolus* for any witness, and very little doubt could be entertained that it arose out of information received from Milan: yet, what was the answer, as delivered at their lordships' bar? A complete negative to the question. It was found difficult to make witnesses repeat in open day, and in the course of that solemn inquiry, what they had willingly deposed at Milan, and what had been there listened to as willingly. 'I saw nothing particular,' said the young lady; 'but a story was told of something which had passed in the house to her royal highness.' The criminatory part of this statement was not borne out by the testimony of Sacchi.

"When Sacchi was asked 'What description of persons attended these balls?' his reply was, 'At the beginning, besides the persons in the suite of her royal highness, there came also some people of distinction; but in these balls were introduced people of all ranks, and of both sexes, and even of very low condition; and as between some of the suite of her royal highness and these low women there was some freedom, thus the people of distinction were no longer seen.' He could easily believe that Sacchi and others of his acquaintance had indulged in freedoms of the kind alluded to, and so far he gave implicit credit to his testimony. But what was the answer given by him to the question, whether 'the princess was always present at these balls, and in the same room with these people of low description, and the girls who came there?' The answer was, 'Sometimes.' This was all that could be got even from Sacchi, and immediately after the anecdote—that pure offspring of his fruitful brain—about the population of the Barona, and of the observation made by her royal highness respecting it. Their lordships themselves had pursued

this examination, and had put the following question to the witness—'You are understood to have stated that the princess was present during the balls mentioned by you, as given by her royal highness at the Barona; how long was she usually present at those balls?' What, then, was Sacchi's reply to this question? 'As her royal highness had her own apartment contiguous to the ball-room, where she had her own party, so she came from it, and entered the ball-room, where she usually stayed three or four minutes, and then returned.' Here was all the evidence that could be procured of the licentiousness which was alleged to have taken place on these occasions, and of her royal highness's knowledge of, and privity to, that licentiousness. The answer of this man to the next question was remarkable: 'You have stated that the women were taken out of the ball-room at the will and pleasure of the men: do you remember that on any one occasion the women were so taken out of the ball-room in her royal highness's presence?' Sacchi himself said, that 'he never made the observation.'

"It appeared, therefore, quite manifest that these entertainments were nothing more than little festivities, such as many ladies of the first rank, and of the most unblemished honour, were in the habit of giving to farmers, or to their tenants, labourers, and servants. There was no evidence of any thing beyond this, except the story told by the witness of his having himself slept with three girls who attended at the balls. But to give dances or entertainments to persons in the humbler walks of life was never before made a ground of accusation, or an instrument for destroying the reputation of an innocent and honourable woman. Suppose that a couple retiring from one of these balls had toyed a little on their way back, had indulged in a little dalliance, was it to be considered as a fault or crime on the part of her majesty? It actually happened to be the practice in England for individuals in an elevated station to give countenance occasionally to the harmless mirth of their inferiors in rank. What would be thought of him who should charge one of those individuals as an accomplice in the offences or irregularities that followed on such occasions? He had heard a great deal of a landlady whose name was said to be Rosina, and had looked forward to proof that her house was one of ill fame, that it was frequented by the same kind of society, and that men and women were there in the habit of retiring together from the public room. By a reference, however, to the evidence of Lieut. Hownam, as confirmed by that of Count Vassali, it would be seen that no such scenes ever took place. In Pomi's testimony a description was given of these entertainments, which must inspire

every man with regret that he was not present at them. They were in fact very elegant and good-humoured festivities; the young ladies who attended never came without their natural protectors; and the most perfect decorum reigned, as far as the princess had any cognizance of what proceeded. Antongena was a most respectable man, intimately acquainted with the neighbourhood and the character of the inhabitants, and it appeared that his daughter and himself were regularly present at these assemblies.

"Weak and amply refuted as the case for the prosecution was, it became still important to animadvert on the minuteness and particularity by which it had been characterized. Demont was to be the great means of misinterpreting every part of her majesty's conduct, of arraying her very virtues in hostility against her. The affection and fondness which she evinced towards children—and a more amiable feature of character could hardly be imagined—had been converted into new matter of suspicion. But there was not one single allegation in the charge which had not been cut to pieces in the course of the defence by adverse testimony, as well as exposed by its own utter improbability. He had in some measure to express his gratitude to the *non mi ricordo* gentleman—to Signor Majocchi—for the account which he had given of the exhibition of Mahomet, and for the manner in which he had contradicted and refuted that gross misrepresentation. According to his statement, the exhibition was of the most innocent kind: it might be absurd, but it was not profligate: it was what might be witnessed without offence, to any man, or to any woman. The truth of this account was fully borne out by the evidence of Mr. Hownam and Mr. G. Sharpe.

"So much for that part of the case; but he now begged to recall their attention to the circumstances as stated in the testimony of Sacchi, and to the complete contradiction with which Sacchi's statement had been met.

"It had been asserted by Sacchi, that on one occasion the weather was so hot, that the windows of her royal highness's place of residence were thrown open, that he himself had risen from his bed to air himself, and that Pergami thought this a very good opportunity of clandestinely stealing to the bed of his royal mistress. He was sorry to detain their lordships with so many allusions to the nauseous and incredible tale related by this man; but it was his duty to remark, that, if his evidence were believed, it must place the character of every man and woman, be they who they might, at the mercy of any discarded menial. If the case were strong in itself, if the testimony came from unpolluted lips, and was derived from

sources the most pure, such evidence ought to be listened to with jealousy and suspicion. Even though not effected by treachery and ingratitude, even though given without any motive to accuse or traduce an innocent person, it was enough to raise a feeling of incredulity in every unprejudiced mind. But here the fabrication had been entirely controverted, the slanders of discarded domestics had been repelled.

"He would, however, now pass on to a material part of Sacchi's evidence. It was not his intention to go over all the monstrous obscenities which were there detailed, and with which their lordships' ears had been offended: but was it not remarkable that Demont, who was on the journey to Sinigaglia, should not be called to support and confirm the account of Sacchi? Was not this, to say the least of it, a very surprising omission? But, however, it was sworn by Sacchi, that he, during that journey, went every morning near her royal highness's carriage to ask whether she wanted any thing. When asked 'Who travelled in the carriage with her royal highness?' he replied, that 'sometimes there was the Countess Oldi, and sometimes the little child of Pergami.' At length, the worthy and modest witness disclosed the important circumstance of her royal highness and Pergami being found asleep with their arms across the persons of each other. Now he would not here contend that this was impossible, but remind their lordships how, when pressed in cross-examination upon this point, the witness had sought refuge in a pretended defect of memory—that happy defect of memory which might possibly save Majocchi from the legal punishment which he so richly deserved. Their lordships, he was sure, could never forget how directly the evidence of Sacchi in this particular had been contradicted by the adverse testimony of unimpeached and unimpeachable witnesses. They could not fail to remember the unfeeling coldness with which Sacchi had recited his obscene and filthy tale. The contradiction was most positive and direct. It was sworn that Carlo Forti, and not Sacchi, served as her majesty's courier on that occasion. During the witness's cross-examination, which was pursued by his learned friends on the other side with the utmost strictness, and when new circumstances were brought to the witness's recollection, he still declared that it was impossible he should be mistaken in this particular. He said that Sacchi was chafed with riding on horseback, and that he, Carlo Forti, acted as courier in consequence of that circumstance. He carried the despatches, and was received into her royal highness's service after Sacchi's indisposition. No attempt had been made to contradict Carlo Forti, although Demont was

on the journey, was intimately acquainted with Sacchi, and cognizant of every fact that occurred. They would find, indeed, abundant confirmation of Carlo Forti's testimony during the evidence of Lieut. Hownam. It there appeared, that the carriage in which the princess travelled had no curtains which could be drawn by a person outside. It was, in fact, an English landaulet, with spring blinds attached to it. Mr. Hownam stated, that, although Sacchi set out as courier, he was immediately taken ill, and Carlo Forti was substituted for him in that capacity. On his cross-examination, with reference to this subject, when asked about the travelling at night, and the stop at Fano, he stated that he could not recollect whether Sacchi was there or not; he was not quite certain as to the description of carriage used by her majesty on the road, but it was her general practice to travel in an English carriage. This statement was made in a manner that of itself stamped versimilitude upon it.

"They had next upon this subject the evidence of Colonel Olivieri, a man of the first respectability, and of whom it would be obviously unjust not to speak in terms of the highest approbation. He stated, that her royal highness set out upon her journey to Sinigaglia about midnight, and that she travelled in what he called a *carrozina*, or English chariot. He had, he said, the honour of supping with her previously. The Chevalier Vassali stated the time of departure to be about 10 o'clock at night, a discrepancy plainly immaterial. The Countess Oldi, Bergami, and his child, rode in the same carriage with her royal highness. Lieut. Hownam and Count Vassali were both in attendance. [Mr. Denman here read a part of the evidence given by the latter.] Colonel Olivieri distinctly observed, on this occasion, that, when her majesty set out in the landaulet, Carlo Forti acted as courier, but he did not see Sacchi at all. The whole of this statement was subsequently confirmed by the evidence of Vassali. It was hardly necessary to go over the whole of that evidence, and, if he did so, he feared he would exhaust their lordships' patience. It would perhaps be sufficient to call their lordships' particular attention to those parts of the evidence that were decisively important. Vassali, speaking of the journey from Rome to Sinigaglia, would be found to have deposed as follows:—'I cannot precisely say how long the journey lasted. Perhaps about three days. I remember very well in what carriage her royal highness then travelled. It was an English landaulet. I remember that the Countess Oldi, M. Pergami, and little Victorine, travelled with her royal highness.' He was asked,

'Who travelled as courier to her royal highness from Rome to Sinigaglia?' The answer was, 'I saw Carlo Forti on horseback.' 'Did you see Sacchi on horseback during that journey? No. How long had Carlo Forti been in the service?' In answer to which he stated particularly those circumstances —'that Forti was hired provisionally at Loretto, but afterwards permanently or definitively at Rome;' and he farther stated, that he believed Sacchi to have been spared from the duty of carrying despatches, in consequence of his having suffered considerably in a former journey. Their lordships would find that Vassali was cross-examined with a great deal of particularity and acuteness, but in no one circumstance which he had before stated was he found to contradict himself.

"Here, then, was M. Sacchi swearing to an improbable, an incredible, an indecent fact, said to have been detected by him on the highway, while he was riding by a carriage, the curtains of which could be drawn on the outside; the whole of which was contradicted. He was contradicted as to his having rode in the capacity of courier at the time by the person who actually did ride as courier; he was contradicted by Col. Olivieri, who saw Forti ride out as courier, and who did not see him; he was contradicted by the improbability of two couriers being employed; he was contradicted by the Chevalier Vassali with respect to the carriage in which her royal highness travelled on that occasion. In short, he was decidedly contradicted by Lieutenant Hownam, by the Chevalier Vassali, by Colonel Olivieri, and by Carlo Forti—by four unimpeached witnesses—on that part of his evidence which was so much relied on. Was any confirmation of his evidence attempted? Demont had endeavoured to confirm that part of it which related to the distribution of the carriages; but that was completely disproved, and the statement made by her majesty's witnesses remained uncontradicted by any evidence whatsoever. Was it possible, when the story was incredible; when the fact was in itself impossible; when the witness, from his own account, was unworthy of credit (for he appeared to have come here for the express purpose of asserting that which was triumphantly contradicted)—when this was the case, must they not inevitably conclude that his story was altogether false? and, if it were false, what became of the whole of his evidence? what became of his private anecdote? what became of his detail of a conversation with the princess (a conversation perfectly incredible), as to his own filthy and indecent familiarities with the women at the Barona? What became of his statement of the conduct pursued by individuals at the Barona, which was said to have disgusted numerous persons

of rank and family, not one of whom was called to prove how they had been disgusted?

"In the evidence of Demont it was stated that her royal highness was black-balled, when she sought to be admitted to the Cassino as Milan, on account of the impropriety of her conduct. Whether the fact really was so or not he could not tell. If it were so, he was sure the circumstance did not rise from any impropriety of conduct on the part of her oyal highness, but because she was the wife of the Prince Regent of this country—his persecuted, calumniated, exiled wife—doomed to wander over the face of the earth, without a home—banished from this country, where she should have found a home—those individuals who had before defended her honour, and upheld her character, being numbered amongst the ranks of her enemies, and placed in a situation which he would not trust himself to comment on.

"Evidence could not be found to support all those facts which he had stated, and with which her royal highness had been boldly charged. Was it necessary for him to go further? Was it necessary that he should go through the whole list of adverse witnesses—the Bianchis, the Mejanis, the Oggiones, the Finettis, and so on? Was it necessary for him to go into any detail on the subject of their evidence? Had he not given a specimen of them all when he showed that Cuchi's perjury was made apparent, he having been positively contradicted as to the important fact of the residence of the princess at Trieste? But, if he were anxious to point out more particularly what had been done in the way of direct contradiction and disproval, he would ask their lordships to look at the story of Adam and Eve—one of the most foul, offensive, and disgusting charges that had been made against her majesty. He would not describe it—he would only say that Guggiari, who intimately knew the disposition of these rooms, and the place in which the statues stood, proved, beyond the shadow of doubt, that it was utterly impossible for a man, in the situation stated by the witness Ragazzoni, to see what he declared he had seen. The plan that was produced by Guggiari afforded the clearest contradiction of Ragazzoni's testimony. Had any contradiction of those counter-statements been offered? None whatever. Could his learned friends say that they did not expect the evidence of their witnesses, on these points, to be contradicted? They must have known the contrary. Why, therefore, were they not ready to support the credit of those witnesses by other testimony? When Raggazzoni stated what had occurred in the grotto, it was most essential for the other side to have called on him to draw a plan of the place.

They had heard of plans formed by Ratti and others it was fitting that it should be so. Why, then, did not his learned friends call for a plan of the grotto? They had not done so—and, on the other hand, it was shown, by a short statement of facts, perfectly consistent with truth, that Ragazzoni could not have beheld any such scene as he had described. This was only a specimen of all the evidence. It showed what men would do—what men would swear—when powerful temptations were held out to them to commit perjury. And it proved how cautious all men ought to be before they entered into a system which led directly to the encouragement of that most foul offence.

"Ragazzoni stated that he and another witness, Dominico Bruzo, on a particular night, when there was a sort of house-warming at the Villa d'Este, when all mankind were admitted to enjoy the festive scene, observed the princess and Pergami sitting in the garden on the same seat. What was there extraordinary or improper in this? Nothing: only his learned friend (the Attorney-General) had stated that this circumstance took place at two o'clock in the morning, which certainly was an extraordinary assertion, and made the supposed detection a matter of considerable importance. But, when they looked at the evidence of Dominico Bruzo, who was with Ragazzoni on that occasion, and came to consider the mode of counting the hour in Italy, it was found that, instead of this scene having taken place at two o'clock in the morning, it happened at half-past nine at night, when the Italian peasantry were, more than at any other hour, in active motion—when they were busily engaged in enjoying the beauties of the happy country in which they lived. The circumstance occurred when the place was just as open and as public as at mid-day, at the very moment when those gardens were illuminated, and when all those low persons who had been described as attending the entertainment were walking about.

"Antonio Bianchi stated the extraordinary fact of her royal highness and Pergami bathing in the river Brescia. He swore that he had seen them embark in a boat or canoe; that they proceeded to bathe; but, when they saw the witness rowing a boat with four gentlemen in it, they ran away, and again took to their boat, in which they sailed down the Brescia, which, he supposed, would have carried them to the Lake of Como. But, according to the evidence, if they did what Bianchi had stated, if they sailed down the Brescia in this manner, it is most likely that they would have been devoted to destruction. The Brescia, when there was any water in it, was described to be a rapid mountain torrent; and, as to the navigation of

the river, the evidence of Lieut. Hownam proved it to be impossible. This single fact proved the insurmountable impudence of persons who came over here to abuse English ears with tales which every Italian must know to be false. Lieut. Hownam said that the river was not navigable. Why was not the fact disproved? His learned friends had a number of Italians in this country, not one of them was called to contradict the statement. The story told by Bianchi looked very well upon paper, while it was uncontradicted, and was just as good as any other fact in the case; but now it was clearly shown that the river Brescia was a place where individuals could neither bathe nor sail in a boat. If it were not so, and if, as Bianchi stated, there were four gentlemen in his boat, it was strange that not one of those four gentlemen was called to help out his evidence. Why was this single person, Bianchi, only called, if there were four gentlemen present? Surely it would have been more proper to have adduced them as witnesses, than the boatman, Bianchi.

"Guggiari, another witness, stated that he had seen her royal highness carried in a boat from the theatre at Como, and that he actually saw her saluting Pergami with her lips four times—a greater number of times than either Majocchi or Demont had wrought up their consciences to speak to during a period of three years. In the course of his evidence he had mentioned Lago Maggiore, by whom his statement, as to the princess's having kissed Pergami, was entirely contradicted. It would, he thought, have at least been decent to have supported the testimony of Guggiari by that of some other of the boatmen. His learned friends on the other side had not done so—but it so happened that her majesty's counsel did call one of the boatmen who were present at the time spoken of by Guggiari, who negatived the facts in the most decided manner. This witness, Guggiari, was one of those who gave his learned friends an opportunity of confirming his testimony by others who were present at the period he spoke of. He stated, that he attended in the pantry, and that he heard the princess and Pergami coming out of the dining-room, and going into some other room, where they locked themselves in. He swore that he constantly saw great familiarity between them. In answer to a question put by one of their lordships, he said that Rancatti, his brother, and a certain Giovanni Capella, were present. Now, if his brother were there, and another certain person (there were generally two or three witnesses stated to have seen particular acts), how did it occur that only one of those individuals was called? Why was not Guggiari's evidence supported? But it so happened that one of

the persons whom the witness had named (he alluded to Carlo Rancatti) was called, for some other purpose, before Guggiari made his appearance at their lordships' bar, and he was never asked a single question as to what took place when he was with Guggiari in the pantry. What were they to infer from this? If persons were called to speak to matters that could be confirmed, and if they were not confirmed except with respect to facts that were plain and palpable—if, in addition to this, witnesses whom they themselves had mentioned were brought forward, and contradicted them,—what could be inferred from such a circumstance, but that the case was altogether unfounded? Lago Maggiore proved that there was no kissing in the boat: Rancatti had sworn that such a familiarity took place at Caprilo—but he proved it just in the way in which such a witness would attempt to prove any thing. These, he knew, were trifling circumstances; but, for the reasons which he had before stated to their lordships, they became, on that very account, most important for her majesty's defence. He trusted their lordships would look seriously to those points, and that, in doing so, they would not lose sight of the fact, that the most dangerous falsehood was that which was grafted on plain truth—which was connected with some act which no person ever thought of disguising or hiding.

"Much of the conduct of her royal highness had been misrepresented; and it was only for the minds of the most profligate of human beings to fancy that acts perfectly innocent in themselves ought to be considered as proving the seeds of impurity to exist in the breast of her majesty—as shewing that her majesty was influenced by base motives. When the question arose, with respect to the motives of her majesty, and when he had stated to their lordships the motives which, it appeared to him, naturally accounted for the elevation of such an individual as Pergami—where were their lordships to seek for motives of an opposite kind, and why should they look for criminal motives, to account for a line of conduct which was fairly and justly accounted for already? Were they to draw an inference of guilt, infamy, and degradation, from those corrupt, those perjured witnesses, who had contradicted themselves, and been contradicted by others, on every important point—who had not been confirmed on matters where confirmation was possible—and who, therefore, were not in a situation to command the smallest credit? He perceived, on reference to the note he had taken, that he had passed by one part of the evidence unnoticed. It was hardly necessary, perhaps, to advert to it, as their lordships would find it on their minutes, when they came to look at the whole case. He ad-

verted to the monstrous, the plain, the palpable falsehood, uttered by Sacchi, when he told their lordships that, above 12 months ago, he had been obliged to change his own name, and assume that of Milani, on account of the tumult that took place at Dover. He had done this, it seemed, not only at a time when no such tumult had taken place, but when very few people in England contemplated the proceeding which rendered the attendance of Italian witnesses necessary. This one point showed that Sacchi was not fit to be believed, or to be relied on in the smallest degree.

"He now came to the most important witness on this trial —the most important, undoubtedly, of all; because he did confirm the facts sworn to by Sacchi—he meant Giuseppe Rastelli, whom he had been reproved for considering one of the most active agents of the Milan commission, but who now appeared, from the evidence before their lordships, to have been one of the most active agents any commission ever employed. He hoped he would not be misunderstood, as to his view of the conduct of that commission. They had heard a great deal relative to the motives which caused it to be sent out, and a great deal also with respect to the way in which it conducted itself. With respect to the head of that commission, Mr. Cook, he had no interest in concealing what he thought of him. He could not say that he had ever heard any thing of him that could induce him to speak unfavourably. He felt a disposition to praise him? but he owned that that disposition received a very considerable and involuntary check, when he found that Mr. Cook could stoop to accept of the mean office which that commission imposed on him. Mr. Cook was a profound lawyer; his mind was calculated for great and extensive scientific research; no man possessed greater knowledge on abstruse legal points; but of all the lawyers in Westminster-hall, he confessed there was not one, in his opinion, less likely to be selected to cross-examine witnesses with effect. His whole habits, pursuits, and experience, rendered him unfit for a situation in which it was of the utmost importance to check willing witnesses in the course of their depositions—and also to check those who were placed under him, when he disapproved of the means by which they strove to induce witnesses to come forward.

"With regard to Col. Browne, he was sure it was not disrespectful to a military man to say, that, in a situation which required so much caution, so much prudence, he could hardly be supposed capable of giving any efficient assistance. It therefore resulted, that the only active commissioner was Mr. Powell, who, they now found, was the attorney for this prose-

cution! and, he believed, the very first attorney who was ever able to collect evidence, and to bring forward witnesses, by the exercise of those compulsory powers that were allowed on this occasion. Col. Brown was no more than the hand that brought the witnesses before Mr. Powell. Col. Browne was the agent of this government, employed to operate on the government of Austria, and he had the power of bringing before Mr. Powell all those witnesses whom Majocchi and Sacchi mentioned to be necessary. This was the only instance in which the attorney was permitted to act as the sole commissioner. He would make no observations on so novel a mode of proceeding. He was sorry that Mr. Cook had taken the office; perhaps he was not dipleased that Mr. Powell was the person who actually filled it. Rastelli was first engaged as a witness, and then a courier; and he begged to call their lordships' attention to what struck him as a great impropriety —the employment of the same person in this double capacity. It was very hard, in those times, when he was employed as a courier to this commission, to add to his labours the exertion of a witness. There was no necessity for a farther stimulus to action. Considering that, during a considerable time, this witness and others had an opportunity of watching the conduct of her royal highness, it did appear to him to be a most incorrect proceeding, one that never before had taken place, to blend the character of witness and courier in the same individual. And he must say, that Mr. Powell, independent of the power which he otherwise possessed for procuring witnesses, had, in the first instance, a very great advantage, by the preparations which Rastelli was enabled to give to those whose testimony he wished to obtain. Rastelli went to Frankfort to see Maurice Credi, and so did Mr. Cook. That person was not examined as a witness, but there could be no doubt but that he was one of those on whom Rastelli made his experiment. Annette Preising was also sought after, and brought to this country, but she was not examined. It appeared curious to see Rastelli thus, as it were, beating up for recruits. It was evident that, being so employed, he would endeavour to keep up that employment as long as he possibly could; and next, that he would use his best efforts to procure such witnesses as would support his own testimony. He had sworn that he never offered money for witnesses to depose against the queen; but that statement had met the most decided and unequivocal contradiction.

"The most material fact of all, however, must be fresh in their lordships' recollection—the striking and important circumstance, that one of the witnesses—he who told a story that

reflected on her royal highness's character more deeply than any other statement, which exposed her to a degree of suspicion, even when it was disproved, of the most foul and hateful kind—that this man, who acted as witness, as agent, as clerk, he would say, on whom, above all others, the punishment due to the crime of perjury should have been inflicted, provided they could have convicted him, as he doubted not they could have done, with reference to some most particular facts—this witness, after a distinct pledge had been given on the part of the prosecution that he should not quit the country, was suffered to go back to Milan, to beat up for more recruits, to bring forward new facts, to see how far the old charges could be supported by fresh testimony! They were told, and told with truth, that the injury inflicted on her majesty, by being deprived of the opportunity of examining this man, the moment he was called for at their lordships' bar, could never be repaired. It was impossible to say that it could be repaired. These were the words of truth and soberness. It was a deep and serious injury not to have had the opportunity of examining Rastelli on the moment, as to facts of great importance. He had, however, disappeared. He was, somehow or other, sent away on the 14th of September; and now, on the 25th of October, no hope was held out as to the period when he would return: what security, then, had they, that other witnesses might not also be sent away? It was said the prosecutors wished that truth, and nothing but the truth, should be told in this case; and that, if perjury were committed, the person so committing it should be subject to the penalties attached to that crime. Where was Rastelli to be found? But this was not the worst part of the story. Rastelli was sent away at the particular moment when he had it in his power to beat up for new witnesses, and to add, by the forcible means that had been so unscrupulously employed on this occasion, new facts to the case that had already been stated.

"He thought that her majesty's counsel had much reason to complain of great want of candour in the whole of this proceeding. It required all that statement of candour which some individuals in their own defence had dealt in, to get over the circumstance of Rastelli's abstraction. If it had occurred through any want of recollection, through any forgetfulness of what had passed, that this man had been sent out of the country, it was the duty of those who had pledged themselves that every witness should be retained, to have given them immediate notice of Rastelli's absence? They ought not to have left her majesty's counsel to make this discovery. If this man had returned on the 3d of October, they never would have heard

that he had been sent out of the country. He would have appeared before their lordships as a person that had been confined in Cotton-garden—as one who had been constantly kept within those walls, and denied all communication with any individual. Her majesty's counsel ought to have been made acquainted with the fact that he had been sent away, as would have been done in any ordinary case. But they wanted to indict him—and then, for the first time, it appeared that this man had fled for some reason or other of which they were ignorant. Whether the witness would return he knew not; but it was important to look at the peculiar circumstances under which that escape was made. When Mr. Powell was first examined on this point, he told their lordships that the sending away of Rastelli was his (Powell's) own act—that he recommended that he should be sent away, and had caused an application on the subject to be made at the Foreign-office."

Here the Lord Chancellor intimated to Mr. Denman, that, if he wished it, time would be allowed him to take refreshment.

Mr. Denman expressed his thanks for their lordships' kindness, and requested their indulgence for half an hour. He then retired, accompanied by his learned friends.

Precisely at a quarter past three the counsel on both sides returned to the bar, the lords took their seats, and

Mr. DENMAN resumed.—"In the course of the observations which he had submitted to the attention of their lordships, it had been his most anxious wish to advert carefully and minutely to every part of the case, and he was not sure, in looking back, that there was any single part left untouched by him (though many parts might have been more fully discussed) except the circumstance of her royal highness's exhibition at the little theatre in the Villa d'Este. Upon that part he now begged to offer a single remark. On the occasion now alluded to, or some other occasion, when representations were exhibited in the theatre which had been built in the Villa d'Este during her majesty's absence on the long voyage, she is stated to have personified Columbine, Pergami being the individual who represented Harlequin. Upon the attempt made hence to derive an inference in favour of the preamble of the bill, and make it a ground of charge, that a person of her illustrious rank should have acted Columbine, he would make a remark, which was quite familiar to their lordships, that such a representation in Italy was as different from the Harlequin and Columbine at Drury-lane, as any two sets of dramatic characters could possibly be from one another. The name in Italy was *Harlequino*, and the person who represented that character

was the servant or valet of the lady who was called *Rosalva*, and who, instead of being in love with *Harlequino*, was the lover of another gentleman called *Lellio*. What was known of those characters from the English theatre was most incorrect when stated of the Italian theatre. This distinction was so well known, that he had felt quite surprised when an inference was attempted to be drawn from representations in Italy as if they had been similar to those exhibited in this country. Upon this part of the case, as upon all the rest of the circumstances attempted to be made important on the other side, he had to observe, that undoubtedly there might have been on the part of her royal highness too much affability—too much familiar condescension—too much of a disposition to enjoy and to encourage all the innocent pleasures of life. But she possessed the peculiar talent, which very high rank was found often to possess, of indulging at times in the most familiar intercourse, without losing her claim to that respect—to that deference—to that attention which it belongs, not only to good subjects but to gallant and honest men to pay.

"But recurring to the Milan commission, his learned friend (Mr. Brougham) was supposed to have said that he did not charge any conspiracy upon the other side. His learned friend's observation however was, if a conspiracy had existed, which it was no part of his case to prove; supposing a conspiracy to have existed, and to have produced the whole of the case on the other side, it would have exhibited all the symptoms and all the results that arose from the Milan commission. This observation he (Mr. Denman) now adopted and repeated. If they could not prove a conspiracy, and perhaps they could prove it, but if they could satisfy all men that the case against her majesty was false, then had they a right to say that all that had occurred, that such a series of aggressions upon the dignity and the honour of her majesty the queen, afforded much better reason for suspicion, much stronger ground for conclusive reasoning of the whole originating in conspiracy, than any reason or ground for reasoning against the queen which they had been able to manufacture by their vast means—by their unbounded resources—by their uncontrolled power. If the witnesses on the other side were not bought by bribes, or forced by the hand of power, then they came here as volunteers; they came as the apostles of morality, without scrip or staff, without silver in their pockets, without shoes on their feet, and without two coats to their backs; they came from a tender regard to the honour of the English crown, from a feeling sympathy for the moral interests of this vast empire. But the moral interests, at least, of this

country might have been better consulted by withholding their communications at that bar; because, whatever moral results might be expected from this proceeding, the case as it at present stood was productive of the most pernicious effects. The most innocent occupations of life were connected with the most vicious ideas; the most common familiarities were vitiated by the taint of impurity.

"Supposing all the facts proved, which, he did say, were refuted and contradicted, but supposing her majesty proved guilty of all the charges against her, still would this proceeding leave room for the most mischievous casuistry which would find excuses and extenuations for impurity—which would weigh female weakness in the balance against insult and persecution; still would this proceeding leave a most fatal, a most degrading, a most unfortunate impression as to the effect of the great principles of domestic morality in all future ages. It would not now be left to the other side to say that only something was proved in opposition to their case. Their case was not proved, it was not proved in one single instance. But the evidence given in all parts of their case was from witnesses deserving of no credit, independently of the positive contradictions given to them. He had been going to proceed, however, with his remarks on the Milan commission, and on the absence of a witness who had acted in the double character of a witness and a collector of witnesses. This extraordinary and double character he shared with Sacchi, and Demont was the first person procured to give evidence by such means. That witness, Rastelli, was withdrawn, and from Mr. Powell the reasons for having withdrawn him had been asked as they ought to have been. He requested their lordships' attention to the evidence given at their bar by Mr. Powell. There Mr. Powell stated that he had sent Rastelli as courier to Milan, that he had got passports for him in the foreign-office, and then their lordships would find that he entered into full explanations of the motives, reasons, and grounds, which had induced him to send Rastelli. Now, if it was fact, as stated by Mr. Powell, that the sole reason for sending a courier to Milan was to assure the relatives of witnesses of the safety of those witnesses, he begged to know why Rastelli should have been the person selected. The answer was, that Rastelli had brought several of the witnesses over to this country. But all of them wrote letters: why should Rastelli be the courier to carry those letters? Were the families of the witnesses such extraordinary sticklers for legal evidence that they would not believe on hearsay; and that when the handwriting was submitted to them, they would

not believe it unless it was proved to them upon oath? Why, but Rastelli stated that he did not know their families personally.

'Who are the persons with whom you came? Some I know, some I do not know; I know some, because we came together, but I had never seen them before.

'Who are they? They are various; I knew them by sight before, but I had no intimacy with them.

'State their names? Of some I can say, the others I do not know.

'State the names of those you do know? Carlo Rancatti, Geralimo Mejani, Paolo Oggione, (these, he hoped, were still in the country, as they had been examined as witnesses.) Philip Riganti, and Henrico Baie.'

"Neither of the two last had been examined as witnesses, and either of them, having accompanied all the witnesses whom Rastelli had accompanied, might have gone with Krous, and delivered the letters of the witnesses to relieve the fears and remove the apprehensions which their relations might feel. When Mr. Powell, not cross-examined, but examined with all proper consideration by their lordships, said that he had fully expected Rastelli's return on the 3d of October, he stated that he had given special instructions for that purpose. That was, Mr. Powell thought it essential that Rastelli should be present at the trial that was going forward—now going forward in this House of Peers, and not at the trial in any other place, of which he (Mr. Denman) hoped and trusted there was little chance. Mr. Powell then told their lordships that he had every reason to expect that Rastelli would be soon in England. This Mr. Powell had mentioned two or three times in his evidence. At last Mr. Powell stated that in consequence of the instructions he had sent to Colonel Browne, he had no doubt that Rastelli would return immediately. Those remonstrances were to have the effect of curing even the fever. The instant Mr. Powell's instructions should be presented, Rastelli was to take up his bed and walk. Now he (Mr. Denman) thought he had heard it read in the correspondence that there was some shuffling suspected on the part of Rastelli, because perhaps he had heard that the pillory, though abolished in England as to other offences, was still applicable to perjury. He was also sick of his confinement, and probably the longer it continued the sicker he became. Colonel Browne wrote back that he would 'press Rastelli the moment he left his bed, and that he was also on his pillow.' Yet, in spite of his shuffling, in spite of the sickness of confinement, in spite of the great difficulty which Colonel Browne communicated to Mr. Powell, in spite of all these things, Mr. Powell, on the 13th of October, stated to their lordships that he had every reason to believe that

Rastelli would be very soon in England. Mr. Powell again stated that he had not had the least idea that Rastelli would be wanted again by their lordships. Why, then, had he ordered him to be back on the 3d of October? Why, during the trial before their lordships, if he had no ideas that he would be wanted again—why had he said that he never would have sent him if he had not felt an impression that he would be here on the 3d of October? Another person, too, might have tranquillized the minds of the families of witnesses. But when Mr. Powell was again examined, on Saturday, the 14th of October, he told their lordships that, in addition to letters to the families of witnesses, Rastelli carried papers to be legalized, which were to be presented, not to the House of Commons, but to their lordships on the 3d of October. What those documents might be it was difficult for him to comprehend. Only it was clear, from this part of Mr. Powell's evidence, that the whole truth was not disclosed on the first occasion, for Rastelli had carried papers to be legalized, as well as letters to the families of witnesses.

"It appeared, then, that the communications of a client, he supposed he must say, to the attorney, stating that a witness was ill of a fever, were protected from inquiry as confidential correspondence.

"Powell said, if he (Mr. Denman) recollected right, that he stated to Rastelli that he must be back on or before the 3d of October. But he stated on another occasion 'O! I did not expect that he would be called on as a witness till the bill came before the Commons.' What difference, then, did it make whether he was back on the 3d of October? None whatever. But in a letter written by Mr. Powell, and dated Lincoln's-inn, 13th September, another statement was made: there it appeared that Rastelli had not been sent solely for tranquillizing the Italians, or legalizing papers, but it appeared that he was sent for these reasons:—'I now return you Rastelli, as I conceive he may be of use to you,' (the resident commissioner at Milan, and the most active in getting up evidence.) Was this for the sole purpose of tranquillizing the feelings of Italians? No, it was to be of use to Colonel Browne, and his instructions were 'Come again with all the information you can collect.' He (Mr. Denman) really did not mean to falsify the evidence of Mr. Powell, he only asked whether if a gallant, and not very well informed witness for the queen had given this evidence, they would not have heard a thrill of delight, a rumour of applause, a triumph of joy trumpeted through the streets of London, that he had been detected in something like prevarication and falsehood

"When addressing their lordships upon this subject he would mention as an instance of the nefarious industry exerted against the illustrious individual for whom he had the honour of addressing their lordships, that he found a statement in a daily paper respecting the evidence of Lieut. Flynn, as to a paper which he had shown to be of no importance, that 'this witness had been consigned to infamy.' Nothing could be more wide of truth than this statement. But he now referred to it as connected with the evidence of Mr. Powell, for the purpose of contrasting the evidence of a witness who manifested the most nervous trepidation and most hesitating manner, with the evidence of Mr. Powell, the attorney for the prosecution, and asked whether there was not more prevarication in the evidence which he had just read, than in the evidence of Lieut. Flynn. In the same paper it was stated, that the husband of Madame Martini was a bankrupt. Their lordships could not fail to recollect the decision and the indignation with which that lady had repelled the insinuation. It really was not worth his while to notice such falsehoods, but they showed the uniform part which the venal press acted against her majesty; they were assiduous in denying her the presumption of innocence which belonged to every accused—they resorted to every art of misrepresentation, distortion, and calumny.

Lord Darnley (we understood) asked what paper it was the learned counsel read from.

Mr. Denman.—"It is the *Morning Post*. The whole of the evidence against her majesty had been sworn by discarded servants, dismissed from the service of her royal highness for misconduct, and dismissed by that very individual with respect to whom they swore to improper intercourse on the part of her majesty, and against whom they must entertain every feeling of humiliation and resentment. He complained that he and his learned friends were still in entire ignorance as to the extent of the powers with which the Milan commission was invested; but, from what had appeared in evidence on that subject, he thought it would have been proper that they should not have been permitted to exercise such powers as they had used; for he thought that it would not have been possible to have pitched on a worse person as a witness than that Rastelli, whose absence her majesty's legal advisers had now so much cause to regret. If they had him now, in what a different situation would they have been from that in which they had first seen him. It was in vain to call his absence a loss to her majesty's cause, and to say that some equivalent should be allowed: the

loss was irreparable: their lordships could not grant any thing like an equivalent: as well might their lordships attempt to recall past time, or to arrest the present moment, as to grant any adequate compensation for this loss. Would their lordships propose to give him and his learned friends a Cuchi as an equivalent, to strike his evidence out? That was done already: his testimony was destroyed. Would they, in return, give up Raggazoni and his Adam and Eve scene? That, too, was already gone: all the evidence of all the other witnesses was destroyed—annihilated. What equivalent, then, could be granted for the absence of Rastelli? In the whole mass of the evidence for the prosecution, in the whole 500 pages, it was impossible to give them the benefit of any respectable testimony which would be equal to the disreputable evidence which they had lost.

"On the subject of Rastelli's agency, Philippo Pomi had given most important evidence. He stated that, having gone to the Barona, he was there met by several persons, including Rastelli and Demont; and Rastelli told him, that as he had been in the house of the Princess of Wales, he was an individual who would make a good witness, as he must know many things against her royal highness. Pomi replied, that he knew nothing of the scandals thrown out against her royal highness, and on her house; and that he had seen nothing but what redounded to her praise, and entitled her to his admiration. 'But,' said Rastelli, 'never mind that; here is Demont, who has made a good day's work; she has done well for herself; and, Pomi, if you have any thing to depose, now is the time to come forward and obtain something.' Afterwards they went to an inn and drank; and what was said there? 'Rastelli told me that Demont was still in the service of her royal highness, (a fact that had been carefully concealed by herself,) and then I found out that she was here. I said I had been a long time in her royal highness's house, and knew nothing against her. He said, I know nothing against her either; but cannot you say you have seen Pergami lifting her on an ass, and putting his hands under her petticoats? I replied, that that was a real falsehood, for I had never seen Pergami treating her otherwise than with the greatest respect;' and so this application ended. But was it to be supposed that every other similar application ended in the same manner? Did their lordships suppose that Raggazoni, who spoke to the Adam and Eve scene, did not speak in consequence of a similar application? It appeared, not only that money had been offered, but that in some instances these offers had been backed by

the influence of the Hanoverian government; and, under such circumstances, any man would readily see the means of making his fortune.

"The witness Pomi had stated things from which it was seen that Rastelli was not the only agent who had been similarly employed: from his evidence it was clear that Reganti had been employed in the same manner. Was it not, then, a great deal, that he and his learned friends, without any list of witnesses, without any specification of time or place, should have been able to detect two of the agents of this conspiracy —Rastelli, who had been taken away, and Reganti, who had been kept back? Rastelli had said to Pomi, 'Now is the time to get a fortune, and to make yourself a man. Have you not seen Pergami, when assisting the princess to mount her donkey, put his hands under her petticoats?' To which Pomi replied, that it was a falsehood, &c. This evidence was of considerable importance; for, on referring to the early part of the evidence, their lordships would perceive that Majocchi, at Genoa, would fain have made a heavy charge of embracing, when her majesty was only lifted on her ass by Pergami. It was thus that truth was made the foundation of falsehood. He meant to have stated to their lordships, that Reganti was at present in this country, and consequently might have been called to contradict Pomi; but the only person called with the view of contradicting any part of the whole body of evidence for the defence, was Capt. Briggs, on whose testimony he should make one or two observations before he closed his case.

"He now begged leave to direct their lordships' attention to the evidence of Omarti, the clerk. That individual said he had repented of his conduct, and he (Mr. Denman) wished that others had also repented before they carried this business to such a length. This witness stated that Vimercati applied to him to possess himself of papers relating to her majesty's defence, that he had the scandalous weakness to agree to the proposal, and that he had received 300 livres for papers so furnished to Vimercati? Now his learned friend's cross-examination, in every part of it, clearly showed that they were acquainted beforehand with some parts of the transaction. The witness had stated that he went to Col. Browne to complain that Vimercati had not fulfilled his promises of reward, and that Col. Browne shut the door to prevent the conversation from being overheard; and his learned friends on the other side by their mode of cross-examination, admitted that Col. Browne shut the door, but wished to make it appear that he did so to make the witness tell his name. 'Well, then,'

the man said, 'I got the papers for Vimercati several times, and I repented in the beginning of the year.' Then he was asked by the Solicitor-General, if he did not so late as July furnish Vimercati with papers relative to the queen? By that very question it was admitted that something of the kind was going on with Vimercati, and, therefore, he (Mr. Denman) did not require any more of that man's evidence. He and his learned friends had no list of the witnesses against her majesty; but their lordships would perceive that his learned friends on the other side had had the power of knowing every witness who had been called for the defence, from the papers furnished by this clerk. Why, then, as the case now stood, there was a case of as great and heavy imputation against those gentlemen, as ever he had seen made out in a court of justice.

"He would not deny that it was due to Col. Browne to make farther inquiry into the subject hereafter; but he would say, that with the knowledge which Col. Browne had of the business, it was his duty to be here to stand a cross-examination, if he could, and contradict the testimony of the clerk. His learned friends on the other side could not have been ignorant of the process against Vimercati at Milan, which had been dismissed, not for want of proof, but solely because the papers to which it referred were of no importance. [The Attorney-General was understood to say that he had not been aware of that process.] He thought his learned friends must have known of it, and therefore he had been induced to make this observation, subject to any remarks that they might think proper to make on it afterwards. Still there was every reason why Col. Browne should have been on the spot from first to last, to explain his conduct as far as he was connected with the Milan commission. He had no business to be at Milan in order to attend to the duty imposed on him by others as an agent: his first and paramount duty was to be here to vindicate his own character. It most undoubtedly could not but be matter of surprise to himself and his learned friends, after some of the ablest cross-examinations that he had ever seen applied to any witness, and such as must have shaken their case to pieces, if it had been a false defence that had been set up: it could not but be matter of surprise after this, that only one witness had been called to the bar to contradict any part of the defence. The fact to which that one witness had been called he was now about to notice.

"Lieut. Hownam, who had been several years in her majesty's house; who had seen Pergami originally in the station of a courier, and afterwards promoted in her majesty's ser-

vice, and at last taking a chair at the table of his royal mistress, in consequence of the rank to which he had been promoted; this gentleman swore that he had never seen any impropriety of conduct between these two persons. His evidence bore every mark of candour and truth, for he never once strained his memory in such a manner as to be betrayed into a mistake. But he is asked if he ever recollected, while walking the quarter-deck with a captain, to have said anything about going on his knees before her royal highness, and entreating her, with tears in his eyes, not to take Pergami to her table? And mark his answer—'I do not recollect it, and therefore I do not believe it ever took place at all.' Their lordships knew that matters of belief were not evidence, unless it could be proved that the absence of belief was impossible; but the counsel for her majesty had not taken that objection, because they wished the house to know all that these two honourable men had to say. Their lordships would bear in mind that no preparation had been made for Pergami's dining at the table of her royal highness: that arrangement was made at an inn where there was no great accommodation. It was there where the courier was found dining at the table of his mistress, when she was snatching her dinner without ceremony. Now it was quite impossible, under such circumstances, that Lieut. Hownam, a young man, looking forward to promotion in the navy through her majesty's influence, should have taken such a freedom: it was impossible for any man to suppose him guilty of such indiscretion. He had no doubt, however, that Capt. Briggs meant to speak the truth, though, for the reason he had assigned, what he had stated could not be true. He would not say that at the time this conversation was alleged to have taken place, Mr. Hownam saw no more impropriety in Pergami's dining at her majesty's table, than he now thought there was in that circumstance; but it was possible that, as Mr. Craven had thought on the subject of her walking with Pergami, he might have been of opinion that Pergami's dining at the same table, though not improper, was yet imprudent, and that it would have been better not to have made that arrangement. With this impression on his mind, it was not unlikely that he might have said to Capt. Briggs, 'If I could have prevented it, I would have gone on my knees, and, with tears in my eyes, I would have entreated her royal highness.' That was, in his opinion, the only likely solution of the discrepance in the evidence of the two gentlemen; for he was convinced that they were both honourable men, and, therefore, he would not say a word to impeach the one for the purpose of defending the

other. This circumstance and that of Lieutenant Flynn's saying that his name was signed to a paper which he had not signed, were the only things in the whole mass of the evidence for the defence that required any apology. There was nothing else, either in the facts stated by the witnesses, or in their mode of stating their evidence, in the case which had been set up by them, that called for apology or explanation.

"He called on their lordships then to consider what was the defence set up for her majesty. When he looked at the substantive case which had been proved on her behalf, he was bold to say that there was an end of this bill, if there was either common sense or common justice in England. The very circumstance that Lady Charlotte Lindsay had continued in the service of the princess from Naples to Genoa, and from Genoa till the year 1817, was in itself an acquittal in her own mind of her royal mistress from the calumnies circulated against her. A long list had been ostentatiously given of about a dozen persons, from Mr. St. Leger down to Mr. Wm. Burrell, who had withdrawn themselves from her majesty's service, because there was something improper in her demeanour. If so, was such an opportunity ever before afforded of establishing that impropriety by testimony of the most decided nature, if, indeed, any impropriety had really existed. It was not to be believed, that if it were really and *bona fide* thought, at that period, that her majesty had misconducted herself in the manner described, she would not have received some remonstrance from home—that she would not have been warned, that express charges had been made which ought to be refuted, in order to prove that she did not degrade herself by frequenting low company and indulging in infamous habits. Captain Briggs and Captain Pechell must have heard these reports; and Lieutenant Flynn might have been resorted to on the subject, if necessary. Nothing of the kind had been done; and not one of these dozen persons had been called to establish a single fact which could be the ground of the remotest suspicion.

"It was difficult to imagine how any human being could have the cruelty to allow this accusation to sleep for six years. Had it been brought forward soon after the transactions occurred, many circumstances, now impossible to be explained, might have admitted of an easy and a natural explanation. Rumours and reports had been allowed to ripen into the most malignant charges, and it was only to be lamented that any circumstances in the sudden elevation of Pergami should have given plausibility to the statements of the bloodhounds of scandal with whom the queen had had to deal in the neigh-

bourhood of Milan. If that were a fault, it was a fault of indiscretion, but no impropriety; and it was only indiscreet, because Mr. Craven had warned the princess of the spies by which she was surrounded; because Lieutenant Howham had probably made a similar remonstrance, and because she has had the experience of 1806, and the knowledge of Baron Ompteda. On these grounds only he would allow it to be indiscreet, because, in his conscience, he was convinced, in every other point of view, that the circumstance had been most satisfactorily explained.

"The world had been told, that all the witnesses were to be called, in whatever way their evidence might operate. It was to be supposed, therefore, that his learned friend, who concluded with a prayer for the queen, to give her 'the victory over all her enemies,' which seemed very likely to be granted, had thought that the Earl of Guilford, who, without restraint or disguise, had twice sat at the table of the princess with Pergami, (for the princess, instead of avoiding, courted the society of accomplished and polished Englishmen like the noble earl,) would have been able to prove something against the queen; and, consequently, that out of mere charity he was not to be produced on the other side. In the same way, it was to be supposed that the Attorney-General had thought that Lord Glenbervie, who had made a voluntary tender of the services of his lady, when, in some way or other, all her English suite had dropped away from the princess, could only give testimony to her disadvantage. For the same reason, Lady Charlotte Lindsay, who had not seen the slightest impropriety, must have been withheld. Lord Llandaff, too, had not been called upon by the supporters of the bill; because his lordship, as well as Mr. Craven and Sir Wm. Gell, were well acquainted with the habits of the princess, and must have known them to be impure. They must have looked upon Dr. Holland as a person whose evidence would also be most injurious; but, even if it were so, the counsel for the bill, in calling them in chief, would at least have had an opportunity of drawing out facts by the easy and ordinary process of examination, without resorting to a cross-examination, which they so well understood, and of which, in the course of this inquiry, they had given such striking examples.

"Was he to be told, that such witnesses as those he had enumerated were immaterial, and proved nothing against the main facts of the case? He asserted, on the contrary, that they gave those facts a most decisive negative, and showed the utter impossibility of an adulterous intercouse. From first to last there had been no attempt to disguise, no attempt to con-

ceal; the promotion of Pergami was attended with circumstances naturally to account for it, and there was nothing in his manners to mark that improper assumption of privilege which an illicit amour would have entitled him to claim. When the bill was founded on the supposition of the low, degraded, and menial capacity of the individual so promoted, it would have been but fair to inquire under what circumstances he was received into the service of the princess; under what circumstances she chose him for her senior chamberlain; and whether she could have raised a man who would have filled the office with more ability, discretion, and propriety? Perhaps he ought not to go through with particularity all the evidences called in exculpation, although that might be considered his peculiar duty. Otherwise he should refer the house to the testimony of Wm. Carrington and John Whitcombe (the servants of Sir Wm. Gell and Mr. Craven), who proved that the whole story of the illicit conexion at Naples was the fabrication of Demont. In the same way he would advert to all the subsequent witnesses—to Sicard, to Dr. Holland, to Mr. Mills, and to every person that had been produced in succession. They had disproved the case on so many points as to deprive it of every vestige of credit: they had contradicted the testimony of witnesses, who, indeed, already stood self-contradicted and self-condemned.

"The counsel for her majesty had done more than they would have been called upon to do in any court of justice, when they condescended to give an answer to such animals as had been placed at the bar on the other side. Every opportunity of contradiction had been successfully seized; and on every single point, where it was possible to show falsehood, that falsehood had been distinctly exposed. It was impossible that the house could give ear to any such insinuation as that those who were discredited in every particular, where it was possible to discredit them, were entitled to belief as to facts which rested on the knowledge or invention of themselves alone. It was enough to mention the names of Sinigaglia, Scharnitz, and Carlsruhe, to bring to mind the atrocious attempts at subornation, which would convert the most innocent acts into the most disgusting exhibitions.

"He was quite aware that it would be expected of him, that he should say something on the subject of the witnesses they (the queen's counsel) had not called; and here, as in every part of the case, he begged leave to contrast, in principle and circumstances, the situation of the accuser and the accused. Every prosecutor who pretended to come forward in behalf of public justice, was bound by the office he had

undertaken to lay before the jury all the evidence that could bear upon the facts. What, then, was to be thought of a public prosecutor, who was contented with setting up a *prima facie* case of charge against the first subject in the realm, at the same time knowing or having the means of knowing that that *prima facie* case was capable of being destroyed by the clearest evidence? What was to be said of that prosecutor if he declined to make the necessary inquiries, or perhaps kept the evidence in his pocket, leaving a defendant to take his chance, whether he could not, by other means, establish his innocence. He (Mr. Denman) knew not with what face the other side could call upon them for additional witnesses, when the prosecutors had been so abstemious. At least, this was new in the history of English justice: it was quite new, that a case of belief and suspicion, extorted on cross-examination, should be tortured into the inference of guilt, when that belief and suspicion were capable of being removed in the first instance. Why had not the charges against the queen been brought to the test of complete investigation, if the prosecutor intended honestly to perform his duty? He entreated the house to look at the effect of this proceeding in the present case. The queen was compelled to take her chance in every endeavour to refute the accusations, the substance of which had been for years collecting: she must take her chance as to the frailty of memory, after the lapse of so long a period; as to the weakness of the nerves of witnesses, for the first time brought before an assembly like the present; as to the delusion of memory, and the faintness of the impression of passing events, and as to the petty triumphs produced on every occasion where a witness might make an accidental slip, and this cast a momentary shade over the veracity of his statement. Her majesty, however, had gone much further than this; she had shown, not only that the witnesses, taken as individuals, had not spoken the truth, but that such practices had been employed for collecting the evidence, such bribes had been offered, and such despicable means resorted to, as perhaps were never before disclosed in the history of English justice. The artifice of Dr. Crook had not been discovered till many years afterwards; nor was it known how much the value of the opinions he had obtained was diminished by the fact that he had purchased them. What was to be thought of these discarded servants, these domestic traitors, who voluntarily offered themselves as witnesses against the life and character of their benefactress, and who, for selfish purposes, appeared against her to destroy

that reputation on which they had previously passed the highest encomiums?

"There is one topic (continued Mr. Denman) on which it is impossible for me not to comment. We have been told that the conduct of her majesty furnishes an inference in support of the charges in the preamble. I am ready that the defence shall stand or fall by that test; and I ask, whether it is possible for a person so degraded, in the first place, to have turned away all her servants, at the moment when they had possessed themselves of the most important and damning secrets, and afterwards to have proceeded in that low attachment, that disgusting debauchery, with an individual who had been elevated for the most criminal purposes, in defiance of all the principles with which human nature was ever acquainted? It is one of the consequences of such an infatuation that it destroys all worldly considerations—

'Not Cæsar's empress would I deign to prove.'

And, if so, would her majesty not have been willing to hide her head in any part of the Continent, in the enjoyment of that luxurious profusion, in which she had been tempted, by offers from this country, to continue even with great splendour? Would she not have been most anxious to retire to Pesaro, or to the Lake of Como, and there to expend upon her favourite the vast income to be appropriated to her use? Is it possible to believe, that, after the loss of all that makes life dear and character valuable—after vice and profligacy had become her daily habits—that her majesty would have sprung to this country, irritated and stung by nothing but this detestable accusation?

"Look, my lords, at the conduct of her nameless and unseen prosecutor, and then at the conduct of my illustrious client. For a series of years she has been the object of unceasing persecution. The death of her only daughter was immediately followed by this frightful conspiracy. The decease of her last remaining protector, whose life, while it was prolonged, was still a protection, though his affection could no longer be displayed, succeeded not long afterwards. It was announced to her, not in the language of kind respect, or even of decent condolence, but in a shape which forestalled the decision of parliament upon this great question. Cardinal Consalvi was the instrument of stripping her of her rank, and of depriving her of those honours to which her station in society laid claim. Her title as Princess Caroline of England was stated in the face of her passport; and the first transaction of this new reign, in which even traitors were spared

and felons pardoned by a lavish exertion of the royal prerogative of mercy, was the most illegal and unchristian act yet recorded in the annals of the British monarchy. To the queen it was no new reign of peace and amnesty, but the commencement of a prosecution in which malignity and falsehood were united for her destruction. Her name was excluded from the liturgy; but, when it was forbidden that the prayers of the people should be offered up for her, their hearts made a full compensation for that odious exercise of unjust authority.

"Under such circumstances, what shall we say to the bill before the house? As a divorce bill it exists no more; the mere fact that the crime was committed six years ago dismisses it with contempt; and the fact of the letter of license, written so recently after the marriage ceremony was performed, is of itself an answer to any claim on the part of the husband. But it is a bill of pains and penalties—a bill of degradation, dethronement, and disgrace; and if your lordships shall determine to proceed against this persecuted and injured woman, I can only say that it is your pleasure to do so. But sure I am that your honour, as peers—your justice, as judges—and your feeling, as men—will compel you to take part with the oppressed, instead of giving victory to the oppressor!

"I was about to observe, that there were certain individuals, who had not been called as witnesses—simply for this reason—that our case is already proved, and that we do not think it decent, or consistent with the principles of justice, to overload the minutes, already so unwieldly, by admitting that we are bound to go a single step further. We have often heard of challenges and defiances; we have been told that Pergami might be called to the bar, to state that the whole charge was a fiction; but this is one of the unparalleled circumstances of this extraordinary case. From the beginning of the world no instance is to be found where an individual charged with adultery has been called to disprove it. Yet, for the first time, we are to be compelled to put him to his oath! The answer is in a word—there is either a case against us, or there is no case: if there is no case, there is no occasion to call a witness; and if there be a case, no man would believe the supposed adulterer, when he was put forward to deny the fact. On this subject the nicest casuists might perhaps dispute, with a prospect of success, on either side of the proposition; but I firmly believe that the feelings of mankind would justly triumph over the srictness of morality, and that a witness so situated would be held more excusable, to deny upon his oath so dear a confidence, than to betray the partner of his guilt. Even perjury would be thought a venial crime, compared with

the exposure of the victim of his adultery. Surely, for the sake of dragging forward such a witness, the principles of our nature, and of the heart of man, are not to be repealed, even upon this occasion, to which so many principles have been made the sacrifice.

"Recollect, my lords, that this is a criminal prosecution of the highest kind, and requiring the clearest and the strongest evidence—evidence collected and manufactured during six years of unceasing vigilance and unremitting persecution. We have heard of the distinction between a queen of grace and favour, and a queen of right and law; but her majesty has been taught, by bitter experience, the wider difference between a husband of affection and guardianship, and a husband of jealousy and persecution! After all ties, divine and human, have been broken up on his part, he still thinks it possible to exact, from the alienated and injured object before you, the most scrupulous attention, not only to the substantial virtues of her sex, but to the most insignificant appearances of feminine decorum. Let me ask you, then, what is it that can justify you in passing such a bill? Without looking to the principle, (for your lordships know that I am not at liberty to do so, and I only advert to it that I may not be supposed to wave any objection,) I say there is not one page of evidence in this whole volume, to warrant you in giving it your sanction. There is not a single piece of evidence proceeding from any respectable quarter, which has not been answered or explained; and the inventors of the most minute fabrications have been followed with success through many of their windings and minute ramifications.

"I know that rumours are abroad, of the most vague, but at the same time, of the most injurious character; I have heard them, even at the moment we were defending her majesty against charges, which, compared with the rumours, are clear, comprehensible, and tangible. We have heard, and hear daily, with alarm, that there are persons, and these not of the lowest condition, and not confined to individuals connected with the public press—not even excluded from your august assembly, who are industriously circulating the most odious and atrocious calumnies against her majesty. Can this fact be? and yet can we live in the world, in these times, and not know it to be a fact? We know, that if a juryman, upon such an occasion, should be found to possess any knowledge on the subject of inquiry, we should have a right to call him to the bar as a witness. 'Come forward,' we might say, 'and let us confront you with our evidence: let us see whether no explanation can be given of the fact you assert,

and no refutation effectually applied.' But to any man who could even be suspected of so base a practice as whispering calumnies to judges, distilling leperous venom into the ears of jurors, the queen might well exclaim, '*Come forth, thou slanderer;* and let me see thy face! If thou would'st equal the respectability even of an Italian witness, come forth and depose in open court! As thou art, thou art worse than an Italian assassin! because, while I am boldly and manfully meeting my accusers, thou art planting a dagger unseen in my bosom, and converting thy poisoned stiletto into the semblance of the sword of justice!'

"I would fain say, my lords, that it is utterly impossible that this can be true; but I cannot say it, because the fact stares me in the face: I read it even in the public papers; and had I not known of its existence in the dignity of human nature, I would have held it impossible that any one, with the heart of a man, or with the honour of a peer, should so debase his heart and degrade his honour! I would charge him as a judge—I would impeach him as a judge; and, if it were possible for the blood royal of England to descend to a course so disgraceful, I should fearlessly assert, that it was far more just that such conduct should deprive him of his right of succession, than that all the facts alleged against her majesty, even if true to the last letter of the charge, should warrant your lordships in passing this bill of degradation and divorce. I well know that there are persons to whom, under the circumstances I think it right to allude, who have had an opportunity of reading a vast variety of depositions against the conduct of the queen. To those noble individuals I may distinctly say, 'You, at all events, must vote for an acquittal. I know nothing of the facts brought before your secret committee, but I know that it is impossible for any rational or honourable man to have presented such a case as has been proved at the bar, as a ground for degrading and dethroning the majesty of England.' The facts proved before that committee must have been of a far more grave, more disgusting, and more infamous description; and whether they have been proved, or whether the witnesses, publicly examined, have not dared to swear up to their original depositions, I am confident that the committee never meant it to go forth, that a case of key-holes and chamber-pots, but of notorious and undeniable guilt, ought to be the groundwork of this public prosecution. Then I ask your lordships, has that case been made out? Is there any man, who can read the evidence even against the queen without a perfect conviction that she has been most malignantly traduced? What the boatmen on the lake of Como may have

said to those who were gaping wide for slander, I know not; what reports may have been circulated by her enemies, I know not; what the result would have been, had the facts stated been established, I know not; but I do know, that they have not been proved—that they are false, calumnious, and detestable.

"Nay, I say one word more to your lordships—I know that a supposition prevails, that a spirit has gone abroad, dangerous to the constitution and government. I have heard it said, that a spirit of mischief was actively at work among the friends of her majesty: but the same person who uttered that memorable expression, in a few weeks was obliged to admit, that it was false, because the truth could not be concealed, that the whole of the generous population of England had enlisted themselves with ardour on the side of the innocent and the injured. At the same time, it is possible that both may be true; the sound and middling classes of society may feel acutely for the situation of her majesty; and there may be, also, some apostles of mischief lurking in a corner, meditating a blow at the constitution, and ready to avail themselves of any opportunity for open violence. If that be so, the generous sympathy to which I have alluded would be aggravated by a verdict of guilty; while those mischievous and disaffected men would deprecate nothing half so much as to see your lordships, in the face of the power of the crown, venturing to pronounce a verdict of acquittal for a defendant so prosecuted.

"I trust your lordships will not allow the idea of having fear imputed to you to divert you from the straight course of your duty; it would be the worst of injustice to the accused, and the worst of cowardice in yourselves. I say, therefore, if your own minds are satisfied that all that has been proved has been scattered 'like dew-drops from the lion's mane,' you will never hold yourselves justified in pronouncing a verdict contrary to the evidence, because your conduct may be imputed to the dread of a mob; or, to use the jargon of the day which I detest, the apprehension of a radical attack. You have but one course to pursue, and that course is straight forward; it is to acquit her majesty at once of those odious charges. We may truly say, that as there never was such a trial, so there never existed such means of accusation.

"Before I conclude, I must be permitted to say, that during the whole of this proceeding (though personally I have every reason to thank the house for its kindness and indulgence) the highest gratification resulting to my mind has been, that with my learned friend I have been joined upon this

great occasion. We have fought the battles of morality, Christianity, and civilized society throughout the world; and, in the language of the dying warrior, I may say,

> 'In this glorious and well-foughten field,
> 'We kept together in our chivalry.'

While he was achieving the immortal victory, the illustrious triumph, and protecting innocence and truth, by the adamantine shield of his prodigious eloquence, it has been my lot to discharge only a few random arrows at the defeated champions of this disgraceful cause. The house will believe me when I say, that I witnessed the display of his surprising faculties with no other feelings, than a sincere gratification that the triumph was complete; and admiration and delight, that the victory of the queen was accomplished. This is an inquiry, my lords, unprecedented in the history of the world: the down-sitting and up-rising of this illustrious lady have been sedulously and anxiously watched: she uttered no word that had not to pass through this severe ordeal. Her daily looks have been remarked, and scarcely even her thoughts escaped the unparalleled and disgraceful assiduity of her malignant enemies. It is an inquisition, also, of a most solemn kind. I know nothing in the whole race of human affairs, nothing in the whole view of eternity, which can even remotely resemble it, but the great day when the secrets of all hearts shall be disclosed!

> 'He who the sword of Heav'n will bear
> 'Should be as holy as severe!'

and if your lordships have been furnished with powers, which I might almost say scarcely Omniscience itself possesses, to arrive at the secrets of this female, you will think that it is your duty to imitate the justice, beneficence, and wisdom of that benignant Being, who, not in a case like this where innocence is manifest, but when guilt was detected, and vice revealed, said—'If no accuser can come forward to condemn thee, neither do I condemn thee: go, and sin no more.'"

A pause of some moments occurred after Mr. Denman had concluded, and

Mr. Brougham added, that he should request the assistance of his friend, Dr. Lushington, to-morrow morning.

Adjourned at four o'clock.

FORTY-SECOND DAY,—THURSDAY, OCT. 26.

Dr. LUSHINGTON assured their lordships, that had he been left to the exercise of his own discretion, or if he had thought himself at liberty to follow the dictates of his own mind, he would not then have had to crave their indulgence in addressing them; but on the present occasion, acting in the discharge of his duty to his illustrious client, he was bound to be guided by the judgment of his learned colleagues, who were of opinion that the bearings and details of this extraordinary case were so extensive and important, that even, after all that had been so ably stated by themselves, some little addition might be advantageously made by him. Their lordships must be aware that the task he had now to execute was one of a very difficult nature. He had to call their lordships' attention to the subject, when that attention might be considered in some degree exhausted: and what rendered his duty the more painful and difficult was, that he came to the performance of it with ability inferior to that which they had already heard exercised on the subject. But, amidst the difficulties with which he had to contend, he had one consolation —the consolation, that, in the judgment of his learned friends, this case stood upon so firm a foundation, that even the indiscretion of an unskilful advocate could not injure it. To this he had to add the additional consolation, arising from his own firm conviction, that the more this subject was discussed the more satisfied would their lordships be of the complete innocence of his client. He should endeavour to avoid repetition wherever that could be done. He would as little as possible touch on the topics so ably discussed by his learned friends; but their lordships must perceive that, were he gifted with the greatest powers of eloquence, it would be impossible for him to make himself intelligible, unless he sometimes spoke with reference to points which had already been discussed.

"It was his duty, in the first instance, to make one or two observations on the charge as a case between husband and wife; and here he must observe, that though, through the whole of his professional life, he had been conversant with cases of adultery, he had to declare that this was the most extraordinary he had ever read or heard of. Indeed, such were the circumstances of this case that he believed, he might safely say, not only that it was unprecedented, but that there was not a shadow of semblance to be found in all the records of the courts in which such cases were tried. It was not that it was a case of novelty with respect to the rank of the individual; it was not its want of analogy with other pro-

T. Wright Sculp.

S. LUSHINGTON, D.C.L., M.P.

One of Her Majesty's Council.

Sketched by A. Wivell. *in the* House of Lords.

London Published by Thos. Kelly. *17, Paternoster Row, Jany. 13, 1821.*

ceedings; it was not that the head of the government was the accuser; it was not that the government formed the very party who prosecuted; it was not all these things, uncommon and extraordinary as they were, which so particularly marked this prosecution; for these were circumstances which might have equally occurred in some other cases; but that which first and above all, distinguished the present case, was the age of the party accused. He was bold to say, without the fear of contradiction, that no precedent could be found in modern times where a husband sought a divorce by accusing of adultery, a wife of 50 years of age. The absence of any case similar in this respect gave to the present a degree of improbability which, he confessed, appeared to him to deserve their lordships' serious consideration. This observation did not merely apply to wives separated from their husbands, and who had not lived together for many years; but, whether living together or separate, there was no instance on record of a prosecution for divorce by a husband against a wife who had attained the age, he would not say of 50, but even of 45. But who ever imagined a case like the present? In addition to the circumstance of the age of the accused, there was here that of a husband who had been for 24 years separated from his wife; separated not by any desire on her part, but by his own caprice, by his own act and choice—not in consequence of any misconduct of that wife; for not even a breath of suspicion was at that time whispered against her; but by his pursuit of some wayward indulgence—some capricious fancy. In this way had been broken, for self-gratification, those bonds which the laws of God and man had formed.

"How, then, did the case stand? Were his majesty a simple subject, was there a man in the world who would say that he was entitled to any consideration whatever in an application for divorce—that it was possible he could have any injury founded on such a complaint, for which he could claim redress? As a husband, then, the king had no right to seek redress. But then it was said, that this application was not in the name of the king, and that the law in the case of a subject was not applicable to the sovereign. Let, however, no one presume to say that he is emancipated from obedience to the laws of God; for that assertion, of whomsoever it be made, was founded in untruth and falsehood. It was also said that rank and station in the wife required a more rigid observance of duties than in the husband; but was there any duty which was not reciprocal? Was it not so with respect to matrimonial rights? And was it to be said that there was one law for woman and another for man? or did superiority of rank make

the engagement taken at the altar of God less binding? Was the private individual to be told that there was one divine law for him, and another for the sceptred monarch? What was the plighted troth of the husband—what the promise made at the altar? To love and to comfort. But how was that promise observed? Where was the love?—where the comfort? Where should he look for the one or the other? The comfort! what traces were left of it? If he went back to 1806, was it to be found there? or must he look for it in 1813, at that period of cruel interference when the intercourse between the mother and the daughter was prohibited? Was it to be sought for at the period when the mother was exiled to a foreign land? No: there it did not exist; for wherever she went the spirit of persecution followed her. It was inconceivable that a wife thus deserted, thus persecuted, should now be told that she has been unmindful of her duty, whilst the husband, who was pledged to protect her, had allowed her to pass through the world without a friend to guard her honour.

"He regretted the discussion of these topics. He knew well that, when the acts of kings were brought before the public, there were individuals who dwelt with triumphant satisfaction on the exposure. No man could feel the difficulty of his situation more than he did, when called upon in the performance of a solemn duty, to dwell upon such painful considerations; but he owed it to himself and to his client to speak out boldly. There were individuals without number, always anxious to see the failings of kings, that they might turn them into derision. He would, therefore, say as little as possible upon this ungrateful subject. It was almost needless to follow it through all its bearings; but if he were in one of those courts where cases of this kind are usually decided, what should he say to the husband who, insensible of his own honour, allows his wife, for a series of years, to live unprotected, and then offers her 50,000l. a year to live abroad, knowing, as he said, that she is in a course of adultery, but without giving one direction that the adulterous intercourse should cease before she enjoys the large income proffered to her? What would he say to an individual so acting towards his wife; who said to her, not in the language of pardon and admonition, which his learned friend had repeated, 'Go, and sin no more'—but 'Go, and indulge your appetites, continue your adulterous intercourse, and you shall be furnished with ample means for living in splendour with your paramour?'

"He was happy that he was not under the necessity of introducing another topic. He was glad to state that in this case he was not called upon by any consideration of duty

towards his illustrious client, to say one word by way of recrimination; he thanked God, and the wisdom of his learned colleagues, who had so advised her majesty, that the case upon which they built their hopes of acquittal was one of perfect innocence, and that, by avoiding recrimination, he should save the house and the country from all its consequences. Their lordships could not, unless fully prepared to violate the laws of God and man, declare against his client. That venerable bench of bishops, who formed part of the judges, could not, without violating the holy tenets of that gospel which they preached and inculcated, pronounce against the wife of their sovereign. The laws of God and of the country were upon her side, and he was sure that it was not there that they would be violated.

"Before he entered upon the consideration of the evidence, he trusted that their lordships would suffer him to say a word or two on the principles by which they were bound to be guided. It was not that he sought an acquittal on a point of law; it was not that his cause required technicalities, that he wished to draw their lordships' attention to this topic, but to prevent those who might not be conversant with the law of divorce from being misled by the statements which had been made on the other side. Their lordships would recollect that the Solicitor-General, in his summing up, had adverted to the case of 'Loveden v. Loveden,' which was tried before Sir W. Scott, in the Consistory Court, in 1809—that enlightened judge, whose matchless talents no man was more sensible of than himself, and to whose authority no one was more disposed to bow. But he was surprised that his learned friend, the Solicitor-General, should have quoted only an insulated passage of that eminent person's opinion, when the principle on which the case was decided was by no means applicable to the present proceeding, and when the words conveyed no idea of the decision: for no man, far less that learned judge, could have meant to represent that adultery was a crime of the proof of which no certainty was to be obtained. But what was the judgment quoted? it was this:—Sir W. Scott said, 'It is not necessary to prove the direct fact of adultery; for, if that were the case, there would be no sufficient protection for private life. The offence cannot be proved by artificial inference, but by general acts and circumstances, which were of themselves of so suspicious and positive a character that adultery had been committed, that no just and honest man could doubt.' The case had been most ably argued, and there were acts of criminality proved by witnesses above all idea of suspicion, and there were also

the intercepted letters of Mrs. Loveden—letters which, as Sir W. Scott observed, a woman the inmate of a brothel would have been ashamed to write. These letters, and other circumstances proved in evidence, carried with them the most complete conviction that the crime of adultery had taken place. But while he was talking of legal grounds of evidence, their lordships would recollect that, what in this case had been evidence, in the Ecclesiastical Court, had not been considered such in the civil action for damages; for in the court below a verdict was given for the plaintiff. This, therefore, was a most unfortunate case for the other side. The evidence, indeed, was still stronger in the court of law than he had yet stated it; for it was then proved that Mr. Parker, against whom the action was brought, had passed a night in the bedroom of Mrs. Loveden. He must now observe to their lordships, that he thought it not a little extraordinary that his learned friend, the Solicitor-General, should have selected this case as affording any support to his own. But there was another case to which he could refer as an answer to that offered on the other side—he meant the case of 'Mortimer against Mortimer,' which was decided July 12, 1816. In this case the proofs were so strong that the counsel for the wife were about throwing up their briefs, and declining to argue it. The learned judge, who never forgot that legal justice ought to be administered, called upon the counsel to argue the case. It fell to his (Dr. Lushington's) lot to argue it, and ultimately the judge pronounced that the husband had failed in proof of the adultery having been committed, and he used this important expression:—'I may have a moral conviction of her guilt; but I have no judicial proof.'

"Let it not be supposed that he was asking for a decision in favour of his client on account of a deficiency of proof, and against their lordships' moral conviction. By no means. He called for acquittal because there was not a particle of proof in the present case which any honest man, any man of common intelligence, would not consider as destitute of credibility, and unworthy of his regard. He had adverted to those cases in order that their lordships might not run away with the erroneous idea that, in any other court the crime of adultery was allowed to be proved by any other than what was usually considered legal evidence. If their lordships would allow him, he would state in few words what his case was. Here were circumstances which, when coupled with opportunity, were said to lead to a demonstration of the guilt of the parties. That opportunity alone should be evidence of guilt against one was a proposition that he was sure none of their

lordships would allow for a moment. He admitted that if acts of indecent familiarity were seen—if the same parties were observed seeking opportunities of criminal intercourse—then it would not be necessary to go further; but the circumstances ought to be before them with the same degree of certainty as the opportunities.

"It was not necessary to enter into a long argument to show the character of the witnesses. He would contend that Demont, Majocchi, Sacchi, and Rastelli, were all perjured. In a common case, after proving the perjury of the principal witnesses, if the judge did not stop him and say it was unnecessary to proceed further, he would indignantly throw up his brief; for no respectable judge would suffer a case to stand on minor and weaker evidence, when its strong and chief support was destroyed. What! when he had shown that one, two, three, four, and five witnesses had been perjured, was he to be told that he must go on to prove that six, seven, eight, were also perjured, or a verdict of guilty would be found? Where would be the safety of any man, if this were the practice in courts of law? Could their lordships expect it to be done? By the wisdom and goodness of Providence men were enabled to detect conspiracies. They were often able to bring to light a foul scheme of conspiracy, by proving the falsehood and rottenness of a certain part of it. But that gracious Power, whose ways are wisdom, had not thought it right to give the means of ascertaining truth beyond the bounds of necessity. Men were only required to have that knowledge which came within the limits of our circumscribed faculties. But on whom did justice impose the burden of proof? Even those of their lordships least conversant in law must know, that the duty of proving a proposition lay on him who propounded it—that the plaintiff had to make out his action satisfactorily, or to be defeated. And their lordships would bear in remembrance, that he who sought to take away the life and character of any individual, was bound, by every law of nature and man, to do so on evidence not only unsuspected, but unsuspicious. He had no right to take upon himself the odious office of an accuser—to drag his fellow-creature before the bar of the world, and say—'Thus far will I go, and no farther.' He was not to say, 'I have brought you into court, and, though I cannot prove my charges, you shall not leave the court without a suspicion on your character.' His failure of proof was the justification of the accused. Since the day in which the folly and superstition of their ancestors first led their victims through fiery ordeals and over burning plough-shares, no man had ever

been called into a court of justice, and been compelled to prove his innocence in the first instance.

"He would now come to the consideration of those facts which his learned friends on the other side had boldly stated that they had proved, which they said were irreconcileable with innocence, and were the certain forerunners of guilt and infamy. The first trait was the conduct of the queen towards Pergami. The Attorney-General, commenting with great ingenuity on the facts of the case, had adverted to the general principles which govern human life, and had said that, if they were to be depended upon, it was clear that the queen had so conducted herself towards Pergami that guilt must necessarily have occurred between them. 'I will show you,' said the Attorney-General, 'that she was so much under the control, power, and influence of this domineering paramour, that his will was her way, and that his pleasure was her rule; and if, (continued he,) I prove these facts, it is clear they can have only arisen from the last favours having been granted to her paramour.' The natural effect of such intercourse, he added, was to alter the respect that ought to subsist between the parties, and to destroy the decency and decorum which ought always to be observed between a person of royal rank and one in the capacity of a menial servant. When once a princess had thus debased herself, it occasioned in the low individual, the object of her passion, a degree of assumption and freedom to which otherwise he would have made no pretensions. This was the case here, said the Attorney-General: Pergami became more haughty; he took upon himself an air of greater importance, which grew more and more as the intercourse proceeded. Now he (Dr. Lushington) would undertake to prove, that no such freedom, no such familiarity, no such importance, had ever taken place; that there had been no want of respect, that there had been no want of regard to all the decorums of life in either or both of these two parties.

"Their lordships would feel that he would not be properly discharging his duty, if, after having made such a bold assertion, he did not point out to them the evidence by which that assertion was most indisputably proved. First, he would refer their lordships to the adverse evidence, and would call upon them to consider how far it was deserving of any credit. The first witness called was Majocchi, and after him came several others equally respectable. What did Majocchi say? That there was rather a familiarity. What could their lordships think, when they found that this man, the chosen witness of the prosecution, who had been nurtured to betray his mistress,

bore them out in their assertion no further than this? Was there, asked the Solicitor-General, an apparent distance kept up between the princess and Pergami, or was there an apparent intimacy and friendship between them?—Rather, replied Majocchi, a familiarity. Their lordships would no doubt observe the peculiar manner in which the question was put—it was put with his learned friend's (the Solicitor-General's) usual ingenuity, who during the whole of this case had formed his questions in such a manner as led the witness easily to collect on which side his answer was wanted. Demont, in reply to a question put to her, said, that from the moment they reached Naples, her royal highness and Pergami became very familiar one towards the other; but being asked whether she had made any observation as to their conduct during their residence at Milan and the Villa Villani, she had replied, 'No, I made no observations, only that they were very free one towards the other.' He thought, however, from what he had both heard and seen of that witness, that she was as likely to make observations as any person whom he ever knew: but all that the counsel for the prosecution could get from her was, that they were very free one to the other. Now, with the exception of the testimony of the two masons, who, it could not be denied, were most admirable judges of decorum and propriety, and who had said that her royal highness and Pergami walked arm in arm, like husband and wife, they would not find any other evidence called by the prosecution to support this charge of familiarity.

"He would next call upon their lordships to consider the evidence which had been given to rebut this charge, and he would now present to them twelve most respectable witnesses, who could speak not only to the time when it was charged that this intimacy was at its height, but who had also been about her majesty from the time she arrived at Naples till the time she had left Rome. What was their testimony? He would not dishonour it by comparing it with that which had been given on the other side. The Earl of Guilford deposed, that between her royal highness and Pergami he had never seen any improper familiarities, and that he had never perceived her royal highness bestow any particular attentions upon Pergami. Being asked about the deportment of Pergami to her royal highness, he said that there was nothing particular in it—that it was very respectful; and afterwards added, that the manners of Pergami were perfectly unobtrusive, and not at all forward. Lord Glenbervie stated, that her royal highness's behaviour to Pergami was that of a mistress of rank to her servant waiting behind her—that his behaviour to

wards her was becoming his situation—and that, if there had been any thing disrespectful in it, which there was not, he must have observed it. The next witness examined upon that point was Lady Charlotte Lindsay, whose testimony had been given in the most fair and honourable manner, but whose testimony had not been most fairly treated by his learned friends on the other side. Her ladyship, who had frequent opportunities of seeing what passed between her royal highness and Pergami, deposed that Pergami conducted himself in the common way that a person in his situation would naturally conduct himself towards her royal highness. That circumstance well deserved their lordships' most serious attention, inasmuch as Lady Charlotte Lindsay was in her royal highness's suite in March and April, 1815, when it is alleged that this criminal intercourse was at its full height. Was her ladyship so destitute of the ordinary powers of observation, as, if any thing improper had occurred in her royal highness's conduct, to let it pass unnoticed? Or was she so destitute of faith as to say that she had not noticed it, when she actually had done so? Their lordships could not for a moment doubt her credibility; and as to her talent, the house at large were able to judge of that by the ample portion of it which she had shown in her examination at the bar, whilst those who had the honour of her private acquaintance knew well that in talent and ability she soared far above the usual standard of her sex. What, then, did this lady say of her royal highness's general treatment of her servants? That she treated them all with great condescension, and that she talked no otherwise to Pergami than she did to Sicard, and various other persons in her family.

"The Earl of Llandaff said, that he never perceived any thing of an improper condition in her royal highness's conduct; and declared that there was nothing in it calculated or likely to reflect disgrace upon the country. Mr. Craven affirmed that he had never observed any impropriety of conduct or any degrading familiarity between her royal highness and Pergami, and that too, neither at Naples, where Pergami waited behind her chair as a courier, nor subsequently when he dined at the same table with her. Sir Wm. Gell gave similar evidence, when a question was put to him, such as had seldom, if ever, been previously put in a court of justice. But of that question he did not intend to complain: for, give him but an honest witness, and any question they chose might be put to him. Give him but a man who cared for the sanction of an oath, and who regarded the estimation in which he was to be held among his fellow-men, and in a case like the

present he would say, 'Away with all the technicalities of law, away with all the forms usually observed in examination, cross-examination, and re-examination—ask him what questions you like—my client's conduct is pure and honest, is virtuous and honourable, and will bear the most rigid examination to which you can submit it.' To return, however, to the question he had mentioned—it was as follows:—'Did you ever observe any thing in the behaviour of the Princess of Wales towards Pergami, in her *conduct*, *manners*, *conversation*, or *looks*, to induce you to entertain an idea that there was an adulterous intercourse between them?' He called upon their lordships to consider the effect of that question, and of the answer which must have been returned to it, if ever, during the whole course of Sir Wm. Gell's attendance on her royal highness at Naples—if ever, during the three or four months which he passed in her society, after he rejoined her—there had escaped from her, in the wantonness of joy and the exuberance of gaiety, one single word, or act, or look, which had clouded his mind with even a transient suspicion? Gracious God! was the Queen of England to be tried, not by facts, but by suspicions, which by possibility might have existed in the minds of those with whom she had lived—by suspicions, too, which arose from circumstances occurring at moments when her whole heart and soul was opened to their view in all the confidence of unsuspecting innocence? So to be tried, and so to be acquitted, as Sir Wm. Gell had acquitted her royal highness, was unparalleled in history. What, however, was his answer to that most extraordinary question?—'Upon my honour I never saw the princess speak to Pergami but on matters of business, though I was in the house for three months at once with them.' He was then asked, 'Can you give a more distinct answer to that question?' and he replied, '*I never did*.' And yet his learned friends, after that answer, intended, he believed, to call upon their lordships to come to a conclusion of guilt upon facts, of whose innocent nature he, who had seen them, had never entertained even a shadow of doubt.

"But he expected to be told that the individuals whose testimony he had just read to them, were individuals of exalted rank and character, and that her royal highness was, therefore, on her guard against them. To obviate any difficulty which might arise from that argument, he would introduce to their lordships a witness of another class in society—he meant Mr. Sicard. Being asked what was the manner of her royal highness to her servants generally, he replied, 'Uncommon kind, almost to a fault.' Being asked whether he

had made any observations on Pergami's manner, he replied that his behaviour always was proper: and being asked whether he had ever seen any impropriety or familiarity between her royal highness and Pergami, he emphatically answered—'Never, never.' Their lordships, he trusted, would ponder upon what this old servant of the queen had said—that she was 'uncommon kind to her servants, almost to a fault.' He had for 20 years experienced that kindness. How melancholy, then, must it have been to him to find that that very kindness and benevolence which had endeared her to all who knew her, whether they attended upon her in a menial capacity, or the higher satisfaction of enjoying her society, was at last charged against her in order to destroy her. She had forgiven the ruffian Credi, though he had conspired, with other traitors, to blast her honour. She had also forgiven others who had evinced the same malignant and diabolical disposition towards her; and, therefore, he trusted that he might be forgiven for saying, that he hailed with pleasure the testimony which Sicard had given with such feeling to her general benevolence. Whilst it was the duty of himself and his learned friends to harass the attention of their lordships with nauseous questions regarding her majesty's up-risings and down-lyings—questions necessary indeed to her defence, but still nauseous—it was still some satisfaction to them to find that she had invariably paid the utmost regard to the feelings of others, and that she was as remarkable for the kindness which she had extended to others, as she was for the reverse of it which she had experienced herself.

"He next came to the testimony of Dr. Holland, who, when interrogated as to the conduct of Pergami, towards her royal highness, declared that he had never seen it otherwise than unpresuming and respectful. He would ask the Attorney-General what had become of his opening speech? A freedom and a presumption which, under other circumstances, would not have been shown! Was that the case here? Quite the reverse, as Dr. Holland proved. Being afterwards asked, 'Have you at any time observed on the part of her royal highness any conduct calculated to bring disgrace upon the character of this country?' he replied, 'I believe I can answer decidedly not.' 'Her royal highness's demeanour towards all her servants was extremely familiar. I should say at once that I never observed any difference between her manners to Pergami and her manners to any other of her servants; I may be, perhaps, allowed to add to that, to her principal servants.' Now he would ask, whether it was possible that a woman, under the influence of such a passion as had

been imputed to her royal highness, carried away as her royal highness was said to have been by its extreme violence, could have veiled its ardour so much, and at such different times, as not to allow any respectable evidence to be produced regarding it? A witness of the name of Mills was introduced to the notice of their lordships, who had spoken to her conduct on three distinct occasions at which he had had an opportunity of witnessing it. He deposed that he had never seen the smallest impropriety of conduct in her royal highness or Pergami. He deposed that he had not seen any difference in the general appearance of her royal highness's household between the three periods which he had mentioned. In reply to another question, he declared that he had never seen any thing in the conduct of her royal highness and Pergami towards each other, in the slightest degree derogatory to the honour of the English empire, or likely to wound the moral feelings of the country; and that, independently of her royal highness's conduct towards Pergami, he had never in any other respect perceived that her royal highness conducted herself either in public or private in any way to which a just exception could be taken. It was likewise clear, that even down to 1820 Pergami treated her majesty with the utmost respect. That was a point deserving the most serious consideration of their lordships; because, if the decencies of life had been once violated between her royal highness and Pergami, if Pergami had ever once treated her royal highness with disrespect, he called upon his learned friends on the other side to show by what process of the human mind, by what analysis of the human character, by what mode of reasoning—if indeed reasoning had ever been employed in the whole of this case—it now happened that respect towards an individual returned after it had once been destroyed. Mr. Attorney-General might as well state that a stream of water can flow up to the source from which it sprung, or that any other impossibility was capable of proof. The conduct of her royal highness towards Pergami, and of Pergami again towards her royal highness, was the same at the beginning, middle, and end of their acquaintance.

"He would now call the attention of their lordships to the evidence of Lieut. Hownam. He said that he had never seen any thing in her royal highness's conduct that was improper, indecent, or degrading to her high station; and that he never saw her royal highness walk arm in arm with Pergami until he began to dine regularly at her royal highness's table. He now came to the testimony of Colonel Olivieri, who said that Pergami's conduct was the conduct of a respectful servant;

and the time of which he spoke was the years 1818 and 1819. He described the conduct and demeanour of her royal highness towards the gentlemen of her suite generally to have been affable, but at the same time dignified. He next came to the last witness who had made any depositions on this head—it was Captain Vassali: he was the last of the 12 witnesses whom he had promised to bring forward; and he deposed that, from the first moment in which he entered the queen's service to the last, he never saw her commit any action that was disgraceful or improper. He trusted that he might now say that, by the mass of evidence which he had just brought forward, he had completely demonstrated the proposition with which he had set out, viz. that the queen's conduct was consistent with the relative situation of herself and Pergami, and was destitute of all, even the slightest, criminality. The ground which his learned friend, the Attorney-General, had so ingeniously laid for the support of his other charges, was therefore withdrawn from under his feet, and he was, in consequence, left to combat with his (Dr. Lushington's) assertions, without having the power of proving any crime against his illustrious client.

"The next charge against her majesty was, that she had parted with all her English attendants. This charge was of the same nature with many others which had been introduced into this bill: individually there was nothing criminal in them; but they had been formed with great skill and ingenuity into a consistent whole, in the hope that, though nobody might be convinced of her majesty's guilt by any one of them singly, a conviction of it might be established by all of them taken collectively. Now his mode of disposing of this case would be by showing, that, both singly and collectively, the facts charged were unsatisfactory for the establishment of guilt. On the charge which he was now going to discuss his learned friend, the Attorney-General, had said, 'Here was a fact which could leave no doubt of her majesty's criminality. It was of such a nature as in a few words to speak volumes.' His learned friend had put the case thus—'The queen having formed this intimacy, and, fearful of the infamy and disgrace which it was calculated to bring upon her, began to estrange herself more and more from the natives of England, and by one ingenious contrivance or another displaced all the English who had originally formed her suite, in order that she might indulge her wantonness in secret, and without fear or chance of detection.' Now he called upon their lordships to reflect how far this accusation had been proved by the evidence, as it stood at present. One of the first persons who went abroad

with her majesty, was Colonel St. Leger, who proved that he had been obliged to leave her in 1814, on account of his health and family; and that, in the course of the year 1819, he had received a communication from her, in consequence of which he prepared to go and meet her majesty at Dover Next came Lady Charlotte Lindsay, who had informed their lordships that she had left the queen at Leghorn, in consequence of an arrangement which had been made previously to her joining her majesty. That fact alone would be sufficient to destroy the foundation upon which the whole story rested, that the queen had voluntarily parted with her suite. What, then, would their lordships think of it when they found Lady Charlotte Lindsay saying, in answer to the question—'Had any application been made to your ladyship to join her royal highness in Germany before you took the resolution of quitting? *Yes, there had.*' This application, it was afterwards proved in evidence, was made in 1817, immediately after her royal highness had returned from her long voyage, when, according to the Attorney-General, she was spending night and day in the indulgence of a passion which had never existed except in the prurient imaginations of his learned friend's witnesses. At that time, however, if the Attorney-General was to be believed, she had sent for Lady C. Lindsay to witness the depth of disgrace and infamy to which she had sunk. But where was the man who could believe such a statement? No, the very sending back for Lady C. Lindsay at that hour did, as the Attorney-General had expressed it, indeed speak volumes; it bespoke a conviction of innocence on the part of her majesty—a consciousness that she had nothing to fear if the whole of her conduct were made known in England.

"If it were necessary to follow this charge further in detail, he could adduce other evidence of the same nature; but, before he proceeded to do that, he must point out to their lordships an attempt which the Attorney-General had made, not to invalidate the testimony of Lady C. Lindsay, but to find out whether she might not, at some time or other, have entertained opinions derogatory from the character of the Queen of England. It was indeed well worthy of those who conducted the case for the prosecution, it was consistent with their general spirit, it was in accordance with every thing they had done from the beginning to the end of these transactions, to violate the confidence which ought always to exist between the husband and the wife, and by such means to bring forth facts, which, by the impudence and infamy of one of them, might lead to the destruction of the character of both. He felt nothing but pity and commiseration for his learned friends,

who had been compelled to avail themselves of this proffered testimony; but he felt indignation, abhorrence, and detestation for him, who had furnished such means of knowledge, for him who had basely endeavoured, by his own infamy, to injure the honour of his wife, and to blast the character of his queen. Such an instance of gratuitous infamy, he would venture to affirm, was not surpassed by any thing to be found in the records of any court of justice—no, not even in the annals of the Old Bailey. And, after all, what did it come to. Though even the contents of these confidential papers had not been inquired into, it appeared that Lady Charlotte Lindsay never, in the whole course of her life, saw any impropriety in her majesty's conduct, but that the reports which were in circulation had made an impression on her mind. That these reports made such an impression, and that that impression operated as an inducement on the mind of Lady Charlotte Lindsay to quit her majesty's service, were facts which he would not deny, for they made a part of the case on which the defence was rested.

"He now came to the Hon. Keppel Craven, who had sworn that, instead of being dismissed by her majesty on her arrival on the continent, he had stayed with her four months longer than he intended when he quitted England. Sir W. Gell, too, swore that he left her majesty because he had the gout, and that he returned to her service after the long voyage. This was the evidence of Sir Wm. Gell, who actually did return to the service of her majesty, and remained with her in the character of joint-chamberlain with Pergami. Here, then, was another instance of the alleged dismissal of her majesty's English attendants. The evidence of Dr. Holland upon this subject went to the same point.

"So much for the queen's voluntarily getting rid of her English suite. But there was another thing connected with this charge, which formed a strange and striking anomaly in the conduct of her majesty; for it appeared that when she had, according to the statement of the King's Attorney-General, secured this seclusion from English society—when she had thus stopped up every avenue through which her conduct might be observed—she at that moment called Lieut. Hownam, an Englishman, to her side. She was so fascinated by the charms of Pergami's company, that all her English attendants were sent away; and yet, strange to tell, Lieut. Hownam was found by her side for three years!

"He had thus disposed of these two heads of accusation; and he next came to one, the consideration of which would not occupy their lordships' attention two minutes. It had

been said that the Queen of England had not only got rid of all her English suite, but that, forgetful of the ordinary decorum that became her station, she had avoided all society of rank and consequence. Now, from the beginning to the end of the case, there was not one syllable of evidence to support that allegation. He would not detain their lordships by reciting the names of all the witnesses who had negatived the fact, nor would he overhaul the testimony of those witnesses that related to this charge, for their lordships would say that that testimony was superabundant. To the evidence of one or two of those persons, however, he should advert. Dr. Holland had stated, that her majesty was visited by all the nobility while in Italy, and that at Genoa she was visited by all the English who resided there. Thus, while she was opening her hospitable door for the reception of these English, that was the very time fixed on by Demont for asserting the reverse. He, however, was willing to take the act against the assertion, even if the assertion had come from the mouth of a respectable witness. There was not in fact a single court, in Europe or in Africa, to which the Princess of Wales did not go, and every where she was received with the greatest respect and attention. One of the witnesses, in describing the esteem and attention which her majesty's deportment every where commanded, had used, as their lordships would perceive, almost the very words of one of the right hon. colleagues of the noble author of this bill, who, to the honour of human nature, disclaimed all part in the present prosecution. There was, indeed, one exception, as to the manner in which her majesty had been received at foreign courts, and that exception was at the court of Vienna. And why? How difficult it was to solve that question! At that court was my Lord Stewart ambassador. At that court the brother of my Lord Castlereagh resided. And what was he besides? why, he was the patron and employer of Majocchi, the principal dealer in perjury. Here, then, was the reason for the exception—a reason which would weigh on their lordships' minds, so long as truth and justice were the objects they had in view.

"There was one other circumstance to which he would briefly advert. 'How can you,' said the Attorney-General, 'account for the rapid promotion of this obscure individual? Here we see him at first in the humble capacity of a courier, and scarce seven or eight months elapse, when we find him raised to the office of chamberlain to the queen.' Let their lordships look if this circumstance was not capable of being explained. What said the evidence as to the origin of Pergami? Mr. Craven stated, that the chamberlain of the emperor re-

commended Pergami in the strongest terms, as worthy of confidence, and superior to his situation. Sir W. Gell said, that he was of a respectable family, which had fallen into distress during the French revolution: and the same witness stated, that Pergami had lived with Gen. Pino as a confidential friend; and again, that he was not looked on as a servant, but as a friend. It was stated by Sir W. Gell, that the person who recommended Pergami to him said he was above the office he was going to enter, and hoped that if he behaved well, of which he had no doubt, he would be gradually advanced. Now, it was not till after her majesty had had five months' experience of his good conduct, that she advanced him to the office of chamberlain, at a time when she was deprived of the services of her confidential servant, Sicard. And what were the circumstances that induced her, or, he might rather say, compelled her, to make such an appointment? She had left this country under circumstances of disfavour with the court; to attend on her, to be in her favour, was to be in disgrace; to have her countenance was to forfeit all hopes of promotion, which to individuals of rank in this country, who looked forward to promotion, would be sufficient to prevent them from accompanying her majesty. How difficult, then, must it have been to get a person qualified for this situation, especially when it was recollected, that from the day on which she left England, at least from the day on which she arrived at Milan, she had been beset with spies and informers? And at Genoa it appeared, that if her personal safety was not actually endangered, she was suffering under apprehensions, which she had stated to Lieut. Hownam, and which made her require the presence of some person to protect her. Under such circumstances, when their lordships saw how he had conducted himself since he had been in her service, with what respect he treated her majesty from the first hour he entered her house down to the year 1820, he thought their lordships must be convinced that no suspicion attached to the promotion of this individual.

"They had been told that Pergami was omnipotent in the control which he exercised over her majesty; but he (Dr. Lushington) denied that to be the evidence of any one witness whatsoever. If the queen had been under the influence of a guilty passion, Pergami would have commanded her as a slave from the first hour that she had condescended to court his favour. Favourites, their lordships knew, had seldom much mercy or consideration; but that they should forget their own interests, would be strange indeed. How would it have been with Pergami? The first hour of a guilty inter-

course would have been the signal for the commencement of his reign. Her majesty would have known no pleasure but in obeying his commands, no duty but in consulting his pleasure. Would she have thought of abandoning the delights and joys of an Italian climate, for a journey so arduous and fatiguing that few would have had courage to undertake it, when she might have remained—nay, when she would have been compelled to remain there in the undisturbed enjoyment of this individual's society? If we were to take human nature for our guide—if the actions of individuals were to be judged by that standard, conduct so inconsistent as this had never been seen.

"Their lordships must have perceived with what boldness his learned friends, relying on the assertions with which they were armed, had opened the first grand scene of this drama. The King's Attorney-General, all confidence, all reliance on sources which had since failed, exclaimed, 'Now I will lead you to the bridal bed! I will now show you the consummation by proofs and by evidence! Not a doubt shall remain of the guilt which I have charged!' Now they came to this scene, and venture to say he did, that this had been proved, as had all the other parts of the case, to be false. The evidence on this subject was even as satisfactory as that which related to the Sinigaglia journey, and the falsehoods of Sacchi. He was compelled to advert to this circumstance, merely to bring in one or two observations, not that it was his intention to tread the same ground that had been so ably gone over by his learned friend on the two former days. On the 9th November, the second night after the queen's arrival at Naples, adultery was charged to have taken place. Now, let their lordships mark the evidence by which this charge was borne out. Her majesty arrives at Naples on the 8th; she goes to a concert on the evening of the 9th, and to the opera on the evening of the 10th. Demont, on whose testimony the story of the adultery rested, had fixed the time of the adultery on the second night after the queen's arrival at Naples, and yet she said that that night her majesty told her she was going to the opera. But, whether the scene was laid on the night of the 9th or of the 10th, there was now ample proof to show that the whole was false. They had it from Demont, or rather on the assertion of the King's Attorney-General, that W. Austin was then, for the first time, removed to a separate room from that in which her majesty slept. Now, instead of its being proved that Austin was removed to another room for the first time, mark what was stated by their own witness. 'Wm. Austin generally slept in her royal highness's room.'

Such was the manner in which this statement was borne out, even on the showing of the witness who was to prove it; but how did the matter stand now?

"It was proved by two witnesses, Sir Wm. Gell and Wm. Carrington, that prior to her majesty's arrival at Naples, Austin sometimes slept in another room; and Carrington stated, on those occasions he had made the bed for him. Mr. Craven had further proved, that he had advised the queen not to allow Wm. Austin to sleep in her room, because he was too old. Thus stood the facts as to Austin's being removed from her majesty's room, for the first time, on her arrival at Naples. But then came Sicard, who said, that Austin actually slept in her majesty's room during the first week that she was at Naples. If this statement of Sicard's were true, the fact of adultery died, for he supposed his learned friends would not attempt to prove that the adultery had been committed in W. Austin's presence. But even if Sicard failed, if that witness were mistaken as to Austin's sleeping in her majesty's room for some time after her arrival at Naples, there still remained the evidence of the hon. Keppel Craven, who had sworn that the arrangement for Austin's sleeping in a separate room had been made some time before their arrival at Naples. Although, by the representation of his learned friends, her majesty was that night about to celebrate her hymeneal rites, she puts into the next room to her this boy of 13 years of age, who had been always in the habit of entering her room at any hour! So much for Wm. Austin.

"Then the next circumstance of suspicion, on this occasion, was the queen's returning home early that evening. But if the night in question was that on which her majesty went to the concert, she could not have come home till one o'clock in the morning, at which hour she was attended by Mr. Craven. If it was the night of the opera, she did not return till 11 o'clock at night, when Sir W. Gell was in attendance, and a direct negative was therefore given to this part of the adultery scene. It was said that Pergami's room was placed at the end of the corridor, to facilitate the alleged communication; but this had been so largely observed on already by his learned friend, that he should dismiss it with the single remark, that it had been proved Pergami was placed there by the direction of Sicard, to protect that part of the house. Here was evidence which, if carefully perused, would establish this as well as the other parts of the defence, and show that the accusation, so plausibly got up, was all a tale of falsehood.

"Then came another contradiction to his learned friends on the other side; for their lordships must have observed that

his learned friend, the king's Solicitor-General, if a witness did not go willingly along with him, drove him with the whip by force into the proper track. Thus the present witness, Demont, after being whipped and spurred by the Solicitor-General, said, that the large bed had the appearance of more than one person having slept in it. Nor was that all; for three days after, as their lordships knew, she gave an addition, as if to crown the whole, of stains upon the sheets. Now, if Pergami came to the queen that night, the small bed was not occupied: her majesty must have occupied the large bed. Why, the large bed had no sheets on it, according to the evidence of this very witness! A bed without sheets slept in, in the winter season, and by a lady of 45 years of age! Their lordships must have observed, that on the subsequent nights there was always the same tale as to the bed being occupied by two persons. What! the large bed, on which there were no sheets, occupied by two persons, not one night only, but for four whole months.

"But he was aware that he was needlessly wasting time by dwelling on such an absurdity, especially as it was proved that Pergami during that time was for several weeks confined to his own room by a hurt from the kick of a horse. Still, however, notwithstanding the confinement of Pergami, the large bed had the appearance of two persons having slept in it. Here, then, was double adultery proved with a vengeance. Oh, how truth shone forth, and cleared the innocent from the attempts of falsehood and malevolence! He would appeal to their lordships whether this tale was consistent with common sense. (The learned gentleman here adverted to several other inconsistencies in the evidence of Demont.) Such was the evidence of Demont. O wondrous memory! which appeared in all its native strength when circumstances adverse to the queen were to be related; but which was no longer to be found when any matter leading to her majesty's innocence was to be elicited. Well might his learned friends say, when they adverted to the improbability of this woman's testimony —well might they say, 'Here we place our strong reliance—here we rest our defence to this part of the case. Why have you not called Annette Preising, who had made the beds for the preceding two months, to confirm Demont's testimony?' From the evidence of Demont herself it appeared that she was not the bed-maker, but that Annette Preising was employed to perform that duty. That individual, as was stated in Rastelli's evidence, was now in England. Why was she not called to give her testimony? If she could establish the fact which Demont had stated, her evidence would have been

invaluable, since it had been her duty and business, for a long period, to attend to the beds. His learned friends on the other side had, however, in the exercise of a wise and prudent discretion, abstained from bringing her forward—although they were willing to take to themselves the credit of having this witness locked up in the buildings in Cotton-garden, and as ready to give her evidence as the other parties had been. But, instead of producing her at their lordships' bar, his learned friends were pleased to rest their case on the *prima facie* evidence of Demont—a witness who, looking to all the circumstances on which she had been contradicted, was unworthy of belief. He would here leave the evidence of the solemnization of those unhallowed rites; assured that their lordships would not offer up so great a sacrifice, the sacrifice of the fame, and honour, and character of the queen, on testimony such as this—testimony which no rational man could credit.

"One word only—and one word was almost more than it could bear—on that part of the evidence of Majocchi which respected the passing of her royal highness through his room. Majocchi was not behind hand with his partner in the gainful trade of perjury. He also had his little stock of adulterous facts, to swell the general heap. But how did his evidence stand? Her majesty's counsel had called a number of people who threw manifest discredit on his testimony. Was it to be supposed that, for the sake of concealment, her royal highness would go through the corridor and through Majocchi's room to that of Pergami, when it was proved that there was another door by which she might have entered? Suppose, however, he were willing to grant the truth of this statement—suppose he were to say that the queen did seek her way to this room in the manner described—he would then ask, if in endeavouring to gratify her unholy desires, she once entered the room where Majocchi was lying, and having there discovered him asleep, she proceeded to the room of Pergami, from whence she then had the good fortune to escape, as she supposed, unnoticed—was it likely, he would ask, that she would venture through that apartment again? Was it probable, was it possible, when there was scarcely a chance of her meeting any person in the ordinary passage, at the dead of the night, that she would avoid the passage for the purpose of subjecting herself to the almost absolute certainty of encountering Majocchi? The first time she might have been ignorant that Majocchi slept there—she might have been taken by surprise—she might have been confused, and in consequence, instead of immediately retiring, she might have involuntarily pro-

ceeded; but the second time she must have known to a certainty, as there was a light in the room, that a man slept on the couch, and that if she passed through she might chance to be detected. And yet they were told that she continued to go that way. Would any person in their senses run such a risk? Go that way! She might do so through necessity; but to proceed through Majocchi's room as a matter of preference, when there was another communication with Pergami's apartment, was altogether improbable. If there had been no other passage, it might be said that the queen was so entirely carried away by her passion for this individual, that in spite of every obstacle, without the smallest regard for even the appearance of character, she was determined to gratify it, and with that feeling would incur every danger and every hazard. But, when there was another passage by which she might have privately effected her object, could it be supposed that she would act in a manner which no rational mind could ever think of adopting?

"He would now say a few words with respect to what was alleged to have taken place at the masked ball which her royal highness had been pleased to give to Murat at Naples. Their lordships could not have forgotten the charge, as it was opened by his learned friend, the Attorney-General. He expatiated on the indecent dress in which her royal highness appeared on that occasion—he described it as a dress at which every delicate mind must be shocked—and he dwelt with great force on the circumstance that her royal highness put on that dress in the presence of Pergami, rather than in that of her female servant. He begged to draw their attention particularly to the evidence of Demont, who had deposed on these points, and whose evidence, if attentively considered, rendered comment almost unnecessary. Demont swore that, when her royal highness appeared as the Genius of History, 'she had her arms bare, and her breasts bare, and the drapery in the same way as people represent the Muses;' but, from this part alone of her deposition, he would prove to their lordships, that the whole of her evidence ought to be dismissed from their minds.

"In the state he had described her royal highness was represented to have appeared at a public ball, and, by so appearing, she was said to have disgusted all who saw her, and to have disgraced the character of the country to which she belonged. But if there had been the least shadow of truth in this infamous statement—if it were capable of being sustained by any testimony whatsoever, in addition to that of Demont—could a more favourable opportunity have been

afforded to his learned friends (if those who had instructed them would, for once, allow them to proceed beyond the limited testimony of discarded servants) for producing some of those persons who were present at the ball, who, if there were any foundation for the slander, might have shown, as clearly as the sun in meridian splendour, the extent of that disgrace and degradation on which his learned friends had laid so much stress. Would any man say that such a charge—a charge which might have been so easily proved—should be suffered to have any weight, when supported only by the evidence of this discarded servant? But how did it otherwise stand? It was not only shaken by the circumstance of its not having been confirmed, but it was completely contradicted by other evidence.

"The Hon. Keppel Craven had been examined on this point before their lordships. It was one on which evidence could easily have been procured, if her royal highness had been dressed as his learned friends had represented, to have borne them out in their statement. Was the dress of the Princess of Wales not likely to have caused much observation? Were not all eyes turned on her, in order to detect even the smallest deviation from decorum: Would all those who were at the ball have been blind to her conduct, if she had thus exhibited herself? What was the evidence of Mr. Keppel Craven? He stated that, as far as he remembered, the dress of her royal highness was a white drapery, which came up very high; and he added, that if her dress had been immodest or indecent, he must have observed it; but that he saw nothing of the kind. Again, Sir W. Gell stated, that the queen had another dress under her robe. His words were—'Not only it must have been so, but I have a clear recollection of the dress her majesty had on under it—a dress perfectly plain, that came up to the neck, was very short, and had no train.' He would not trouble their lordships with further observations on this point, but only to say that even the recollection of this charge, which was so completely refuted, ought to be cast away from the minds of their lordships. Connected with this accusation was the statement that Pergami had been employed on this occasion in assisting the queen to dress and undress, and that her majesty had changed all her clothes while he was in the room. How did they find that statement supported? So far from its having been proved, it was given distinctly in evidence by Sir W. Gell that her royal highness wore an under dress, which he believed to have been made on purpose for the occasion; and, with respect to the presence of Pergami when her royal high-

ness was dressing, Sir W. Gell stated, 'that, to say the truth, he believed her royal highness had a very great number of attendants when she went up stairs at the masquerade, at Naples, to change her dress: the door was opened and shut perpetually, and every body was in and out of her room.' And yet Demont had the courage, he would rather say the audacity, to state to their lordships, that on this occasion her majesty remained for three quarters of an hour locked up in a private room with her servant. He thought no particle of doubt could be entertained, he conceived not the remotest doubt could operate against the conviction, that Demont's evidence was here entirely overturned. Not even a shadow of proof that she had spoken the truth had been suffered to remain.

"Another statement of the same kind, and equally false, had been sworn to by Demont—he meant the charge that her royal highness had gone, dressed in a most indecent and disgusting manner, to a masquerade at the theatre of San Carlos. Mr. Attorney-General, in pursuance of his instructions, had been pleased to state that the moment this indecent dress was seen, the indignation of the assembly was strongly manifested, and the queen was compelled to make a speedy retreat. This transaction was, undoubtedly, capable of proof, if it had occurred; but it rested solely on the evidence of Demont: and, after all, it turned out, on her cross-examination, 'that her royal highness had only an ugly red dress on; and that she, and those who attended her, were surrounded by troublesome masks.' Sir W. Gell deposed he that was present; and it appeared that he had not heard a word of that indignation which the Attorney-General had alluded to in his opening. Why then, he contended, was he justified in taking this clear view of the question—he was justified in saying, that not even the shadow of a charge remained against the queen with respect to her conduct during her residence at Naples, and that she left that city pure and perfect in character.

"He would pursue the other charges in the same manner, with the full confidence that he should rebut and overturn them all. He would consider each and every one of them, until he had entirely disproved them, and placed the queen before their lordships, freed from all those scandalous imputations which had been so unjustly cast upon her character and conduct. Nor would he stop there. He would pursue the inquiry farther, because he thought, in his conscience, he was entitled to say to their lordships, that here, in the evidence on which he had just commented, the groundwork of the plot was to be discovered; here was the foundation of

that edifice of imputed guilt and profligate criminality which had since been entirely destroyed. When he looked at the evidence of Demont—when he examined it in all its parts, and saw the consummate art and artifice with which it was concocted—when he marked the manner in which it had been got up, in the original type at least, and contrasted it, not with the evidence of others, but the direct with the cross-examination, he had a right to say, 'Here is the foundation of the calumny—here the talents of Demont have been successfully exerted—here they have been carefully employed to pave the way for the production of other charges, and other criminatory circumstances, which, without the colouring that was to be derived from this part of the case, must have fallen to the ground at once.'

"He must say that his learned friends on the other side acted rightly and wisely. Some of their witnesses had not received much preparation—but why had they bestowed so much pains on the preparation of Demont? They did so on the old principle, 'Let me but poison the source of the stream, and death will inevitably follow down the current.' 'Let us,' said they, 'show that there was gross impropriety of conduct at Naples—that her majesty was treated with indignity at an assembly there—and we can convert all other circumstances that may follow, however neutral, however innocent, however praiseworthy, into matters of aggravation: we will stain them with the same complexion and bestow on them the same character!' But he called on their lordships, for the sake of truth and justice, to cast away from their minds, to discharge from their hearts, every trace of that evidence, which, he confidently asserted, he had disproved in the face of this august assembly. The future circumstances which it was his duty to discuss he would discuss fairly, with a due attention to every thing that belonged to them; but he entreated their lordships, in considering that part of the case, not to couple it with matter which, with reference to intention, to fact, and to justice, had no connexion with it."

The Earl of Liverpool here suggested the propriety of permitting the learned counsel, who appeared much exhausted, to retire for a short time.

The suggestion received the sanction of the house, and the learned gentleman retired from the bar.

Dr. Lushington resumed at a quarter past one.—"There were several branches of the case which, in the strict discharge of his duty, he felt himself justified in passing over

without one observation. This he felt himself justified in doing, for two reasons—first, because nothing could be added to the arguments of his learned friends on those parts, and also because the evidence which was produced respecting them on the other side was entirely contradicted and destroyed. Those parts of the case were the circumstances alleged to have occurred at Scharnitz, in the journey to Sinigaglia, and in Trieste. All those circumstances were so satisfactorily disproved, that it would be an absolute waste of time to say one word more respecting them. The part of the case of which the scene was laid in Naples, in March, 1815, exhibited, in the first instance, extreme deficiency of proof, and was afterwards entirely annihilated by satisfactory and complete proof of its falsehood. After this, a considerable period, a period, he believed, of not less than six or seven months, was passed over without any charge or evidence to support it. The manner in which her royal highness breakfasted at Genoa, and other little petty circumstances, were all that they had stated, and on the same evidence which had, so often as it could be met, be found false and perjured.

"He now came to the consideration of the long voyages. Here he thought it right, in the first instance, to point out to their lordships one or two contradictions, which, if they produced on their lordships the effects which they ought to produce, would entirely discredit the testimony of the witnesses respecting any other fact. He must here mention to their lordships a fact, which, if he offered it in a court of strict justice, could be considered little short of a contempt of the court. In a court of justice, which was accustomed to weigh and consider evidence, to look into the motives and characters of witnesses, and to distinguish accurately the credibility of testimony, he would be thought to trifle if he presumed to make the observation which he was now to offer to their lordships. If once their lordships found a witness had swerved from truth, wilfully swerved—if once they found a witness had wilfully, and, as the law expressed it, of malice aforethought, deposed against his knowledge of the truth—their lordships were bound, in justice they were bound, according to all the principles of common sense, according to all the principles which governed the human mind, to reject the whole testimony of that witness, from beginning to end. Why, if Majocchi once diregarded the reverence for the name of God, to which he solemnly appealed—if he once renounced all regard for his own character—if he once trampled on the sacred sanctions of veracity—if he once did this, why, upon what ground, by what discretion could they believe him in any one other instance? Why, in

the name of common sense, did conviction for perjury disqualify a man from being a witness? Why, but because having once sworn falsely, he never could be credited again? And where was the distinction between perjury on the record of a court, and perjury proved before their lordships, past all possibility of a doubt? Majocchi, if once convicted of perjury in a court of justice, would not be competent as a witness in any case whatever. If, then, instead of the record of a court, he produced to their lordships proof of his having actually been guilty of perjury, could any man doubt whether, in common sense, in common equity, that as in one instance the testimony was rejected altogether, so in the other it ought to be treated as if it had never been given, and that their lordships were bound to dismiss from their consideration every trace, every impression which his evidence might have made? The same remark was likewise applicable to the testimony of Demont, of Sacchi, and of Rastelli. It had never yet been given to man to detect perjury in all its ramifications; therefore the only security was to discredit and reject the whole of that testimony in which perjury had been once detected. One or two instances of contradiction and perjury he would now point out, in order to make this observation obviously applicable to the evidence of those he had mentioned.

"The queen embarked on board the polacre, and in the course of her voyage of curiosity and taste, she visited the Grotto of the Seven Sleeping Men. The eloquence of his learned friend, the Attorney-General, would have represented to their lordships that the queen had here dined alone with Pergami, surrounded with all the luxury of Eastern magnificence. Majocchi gave this evidence:—

'Where did the princess sleep the first night upon her arriving at that place? Under the Caffe, or within the Caffe, under things all made of boughs of trees.

'Was Pergami there also? He also was present.

'Was there any other person present? No one else.

'Did they dine there by themselves? They were alone.

'After dinner was over, did they remain there? Yes.

'Was any other person with them? There was no other person present.

'Did the bed remain there? It did.'

Lieutenant Hownam gave this account of that place of accommodation:—

'What was the name of the place where her royal highness and her suite slept on the night of your landing? We slept on the plains of Ephesus.

'In what manner? what erections were made? or what convenience was there to enable the party to sleep there? Under the shed of a Caffa Turk; a miserable house.

Did her royal highness sleep under this tent? She did.

'How was the shed constructed? Whether it was by planks or by boughs I am not certain.

'Was it enclosed on each side, or open in any way? Open.

'Where did the suite of her royal highness sleep? All around her.

'Do you remember where her royal highness dined either that or the following day? It was in the church-yard, next the coffee-house.

'What did she dine under? what was there above her? The portico of an old mosque.

'Did she dine alone upon that occasion? I am convinced we all dined together.

'Do you mean that you recollect you then dined together? I recollect most perfectly.

'How did you contrive to sit upon that occasion? We sat on the ground; her royal highness sat on her travelling-bed.'

"Their lordships, upon carefully considering the situation of her royal highness upon the plains of Ephesus, would perceive, that instead of being a scene for the indulgence of a criminal intercourse—instead of being a scene of luxury—it was a situation of great privations, many difficulties, and of distressing hardships. This, however, was one of the spots selected for artful and malignant calumny. Her royal highness was forced to wander in far foreign realms to avoid insult, persecution, and outrage at home, to escape from the snares and injuries of those who were bound to protect her, and to obtain, in subjects of ancient renown and everlasting interest, the relief and gratification which only a virtuous mind could derive from them.

"In this pilgrimage this illustrious but forlorn lady is obliged to repose during the night in an open shed, exposed to every breath of air and to the dews of heaven. She wants all the luxuries that belong to her rank—ay, and worse, she wants the comforts and even necesaries of life. If she had not used her travelling-bed, she had not whereon to sit. Yet here is she beset by the fangs of a conspiracy; and the effects of want, desolation, and injury, are represented as proofs of profligate indulgence and criminal conduct, and by her own servants, supported by her bounty and favoured by her kindness. Those who had experienced her kindest care perjured and forswore themselves for her destruction. Therefore it was that Majocchi said—and this was a little instance of his talent at invention—that the rest of the suite slept in another part of a building (at Tunis), separate from the part where the rooms of her royal highness and Pergami were situated. This was completely refuted by Lieut. Hownam. Demont gave the same evidence as Lieut. Hownam. She stated that the Countess Oldi, her sister, and herself, slept near her royal highness's room. When their lordships found such a flagrant in-

vention as this, such an artful and deliberate perjury in the testimony of Majocchi, it not only refuted the witness in that instance, but altogether discredited his evidence.

"It were a waste of time to give more instances from this witness's testimony; almost every fact sworn to by him was an instance of the same kind. He would just mention another instance that now occurred to him at the Barona Majocchi represented that there was a studied secrecy, conveying the idea of criminality, in the arrangement of the rooms and the staircase. The staircase was stated by Majocchi to be unfrequented. Lieut. Hownam swore that 'it was not a secret staircase; it led up to his apartment, and was frequented by the servants.' A similar contradiction he would just advert to respecting the mode of sleeping in the tent on land. Lieut. Hownam swore he never saw the sofa with the bed-clothes on; that the queen was not undressed; that she was so fatigued as to have fallen from her horse. To Majocchi's evidence on this subject he requested the particular attention of their lordships:

'You have said that, in the journey from d'Acre to Jerusalem, you and Carlo, or Carlini, sometimes slept between the outer and the inner tent. Can you recollect how often you so slept? I remember twice.

'Do you remember at either of those times to have heard any conversation, or any thing that induced you to believe that there were two persons in the inner tent? Yes.

'Could you distinguish whose the voices were? I could not distinguish the voice; but I heard whispers.

'Could you understand of what persons the voices were, whether male or female? I heard two voices speak by whispering; but I could not make out whether they were men's voices or women's voices.'

"Whence it was that a witness who had advanced so far in the labyrinths of perjury could feel such qualms of conscience as to do away thus with the effect of his former testimony, it was not for him to say. But so it was here. If any man who took all the circumstances of her majesty's situation there into consideration, who recollected the extreme fatigue of the queen, her falling from her horse, the impossibility of travelling by day —if any man of sense believed that, during the too short period allowed for repose, the queen harboured in her mind the thought or actually perpetrated the fact insinuated against her he (Dr. Lushington) pitied his understanding, and would consider it absolute waste of time if he attempted to bring him to a rational conclusion.

"He now came to the last stay of sinking perjury, to the last cable of a shipwrecked cause, a cause set up under the pretence of guarding public morals, and giving effect to public example. He came fearless to this task, feeling as he did

all the confidence which the firmest conviction could give him." He came now to consider the evidence respecting the polacre. Let not their lordships forget, he entreated, that the Queen of England entered the polacre unstained, unspotted, uncontaminated even from the breath of suspicion. When she entered the polacre, Pergami was sleeping, not in the dining-room. The Queen had a cabin divided, part for her own bed, part for that of the Countess of Oldi' When they sailed from Messina, Pergami slept in the after cabin. But this arrangement was changed, said they, by her royal highness, for the purpose of facilitating a criminal intercourse. Now this he would refute, by showing a good and sufficient reason for the change. Capt. Flynn stated, that this change became necessary, in consequence of a surgeon having been taken on board at Tunis; and that, for that reason, Pergami's birth was changed into the dining-room. Lieut. Hownam gave evidence to the same effect. Both distinctly stated the change of arrangements to have been made in consequence of a doctor having been taken on board at Tunis, and from the necessity of making some room for the in-coming tenant. Then Pergami was removed to the dining-room, where he slept on a mattress; and he was not the only one whose place was changed. During the whole of what was called the outer voyage to St. Jean d'Acre, he continued to sleep there. On her return, the queen changed her sleeping-place, and had a couch erected on the deck. He would now state a reason for this change, the fact itself, and the justification. The reason was placed beyond all possibility of doubt: the reason was, that some horses had been taken on board, and that the stench and heat made it uncomfortable to sleep below deck. In the same tent Pergami was said to have slept. Whether this was once, twice, or almost always, he cared not. Extorted as the evidence was from Lieut Hownam, he should be astonished if he should hear his learned friends contend, in presence of their lordships, that evidence, partly hearsay, should be made the ground of conviction.

"If a conviction should be founded on such evidence, it would be the first instance since English jurisprudence acquired a rational character and form; it would, at least, be the first instance since the time of James II. He might, upon this ground, extort a verdict of acquittal from the mouths of their lordships, leaving a conviction in their minds that the queen was guilty: he would be justified in doing so; but, in the name of his royal mistress, he disclaimed, he disdained it. He could not do such injury to her sense of justice, and her regard to moral feeling; he should think it a happiness

and a blessing that she were convicted if she were guilty, and not that she should go forth from their bar, acquitted only in name, but stripped of all the grace and dignity of innocence, condemned by all whose good opinions were worth preserving, and shunned by all whose characters made society moral, or life valuable. Granting that Pergami slept under the tent, granting every thing that was established by belief or hearsay, he was prepared to justify it. What was it under which the queen slept? It was a misnomer to call it a tent. It was an awning, which covered nearly the whole breadth of the vessel. It was not formed and fashioned so nicely as to exclude every annoyance and intrusion, and to admit just enough of air to sustain the current of life. He had the evidence of Lieut. Hownam to prove that the tent could be easily opened. Lieut. Hownam stated, 'I have on many occasions so opened it.' Their lordships would attend to how this was done. The two parts of the canvass were brought together; not sewed, or any thing of that sort.

"The next circumstance he should point out to the observation of their lordships was, that two persons were always at the helm. This appeared from the evidence of Paturzo. From his evidence it appeared that not less than ten men were always on deck during the night. The hatchway was proved to have been always open; there was no companion; the hatches were not under the awning. This was a proof that it was not only open, but that there was no possibility of excluding any person who might use the hatchway. Pergami was always dressed, and the queen was always dressed. Such was the evidence of Gargiulo. Demont said, 'I do not recollect seeing it closed at night.' With the exception of Gargiulo, who said he had once seen it closed, how or by what he (Dr. Lushington) knew not, all, Hownam, Flynn, and even Demont, swore that they never saw the hatchway closed at all. No light was under the tent at night, because, as two witnesses told their lordships, there was danger apprehended from pirates. Till that danger threatened, the witnesses proved that lights had been used all night in the tent. This was stated by Capt. Flynn, and corroborated by Lieut. Hownam. Next, as to hearing any thing that passed under this tent, Majocchi said he heard—what?—the creaking of a bed. According to this, any man who heard the creaking of a bed might go into a court of justice, and say that two had been committing adultery there. Paturzo swore that Majocchi could hear below; Majocchi swore that he did hear. But two steersmen, who were in close contact with the tent—ten sailors, who were upon deck and around the tent—and Capt.

Flynn, who was within three feet of the tent—heard nothing of the kind. This, then, was the scene of so much suspicion, a place so open, that detection, was not only easy, but, he might almost say, so impossible to be avoided. Their lordships would find it proved that her majesty was willing to dispense with the tent altogether.

'Do you recollect, at any time, any complaint made by her royal highness as to the rate of the vessel's sailing? Yes, I do.

'What was the complaint? It was on the return from the island of Rhodes to Syracuse; the voyage became excessively tedious, and the princess, naturally anxious to get on shore, attributed it to the want of sailing of the vessel. I stated that she could not be supposed to sail so well with a tent on deck. Her royal highness said 'As to the tent, I do not care at all about it; I would as soon sleep without it.'

"Now he must call upon their lordships to consider the fitness of this awning for the purposes so absurdly alleged to have been the cause of its having been used. Supposing the queen to have been in the habit of carrying on an adulterous intercourse, he would put it to their lordships whether it was consistent with reason or sense to presume that adultery had been committed under the tent? While the queen slept in her own cabin, and Pergami in the dining-room, as in the voyage out, there was every facility for carrying on adulterous intercourse, without observation or detection. If, then, the queen —he repeated the supposition with disgust and indignation— was acting under an influence which degraded her to the rank of a common prostitute—he asked their lordships, whether they could believe that she would exchange her luxurious bed in the cabin, secure from intrusion or interruption, for a bed on deck, exposed to the observation and intrusion of all on board? Was it consistent with any principle of human reason to believe that her majesty, having all the means of the most ample gratification, should prefer a course and a mode of proceeding that led necessarily to detection? She must have been insane as well as guilty, if the evidence for the prosecution were entitled to the slightest credit. If a single blast had sprung up, such a blast as is often felt off the coast of Sicily, the awning on the deck of the polacre might have been carried away, and her royal highness have been exposed to the gaze of the crew, in all the shamefulness of her situation. Was it probable, was it possible, that she should voluntarily incur the hazard of such a disclosure?

"There was not one of their lordships who, he was sure, would not readily understand the necessity, in other respects, of the Baron Pergami's attendance near the person of his royal mistress. The crew was composed of 22 Sicilians, all of them unknown to her majesty. Now, admitting that their

fidelity was above all suspicion, was it unnatural for her majesty to entertain some apprehension as to the possible indecorum and forgetfulness of a drunken sailor? Was there no occasion, under such circumstances, for the immediate presence of a faithful and trust-worthy servant? It was most uncharitable as well as erroneous to impute evil intention, or to draw inferences of guilt, from a circumstance of this kind. They had it in the evidence of Lieutenant Hownam that the attendance of a female servant was a thing impracticable in the situation in which the princess then was. It would hardly be said that her royal highness ought to have gone back, and relinquished her purpose. The voyage was undertaken, and it would have been idle and frivolous to abandon it. If Pergami had been taken, not with a view to the assistance and needful protection which he might render, but had been adopted as an intimate companion and associate upon this voyage between Syracuse and Jaffa, it would have been no ground for any judicial opinion, or for any solemn judgment at their lordships' tribunal. Supposing the charge to be of a capital nature, he who would pronounce a judgment of death upon such evidence or proof, would be guilty of judicial murder.

"They had before them on this part of the case, the testimony of a witness whose veracity no honest mind could suspect. According to the evidence of that witness, the circumstance of Pergami's stay at night near the princess made, at the time of its happening, no impression on his mind as to the existence of any impropriety. Yet in the course of nature some incidents had, at this distant period, escaped from the memory of Lieut. Hownam, and their lordships were now asked to come to a conclusion on the ground of their own inferior and partial knowledge, entirely opposite to the feeling and impression made on the mind of that gentleman when the circumstances actually occurred. The conclusion which they were told on the other side that they ought to arrive at was a conclusion of guilt, to support a Bill of Pains and Penalties against her majesty the Queen of England. It was not surprising, it would rather have been surprising if the contrary had appeared, that Mr. Hownam's recollection should not serve him as to all the particulars of the voyage.

"He would, however, now call their lordships' attention to a material part of his evidence on this subject. When questioned about the scenes which took place on board the polacre, his statement distinctly was, that he never discovered any thing indecent or improper. Would any judge, who had the smallest regard to his own character and conduct, infer

from what was stated by such a witness as Majocchi that her royal highness had conducted herself with impropriety and indecorum on the voyage across the Mediterranean? He should himself have conceived that her situation, the perils that she encountered, and the bodily sufferings which she endured, would be regarded as well deserving sympathy and pity; and that it never could enter into the mind of any man to convert them into evidence of irregular or carnal enjoyment. Lieut. Hownam directly contradicted important parts of Majocchi's statement. This latter person completely fixed himself to the assertion that the bath was placed in her royal highness's cabinet. Now, in this representation he must have intended wilfully to deceive; for, Lieut. Hownam clearly showed that the bath could not have been so placed. Majocchi too had persisted in his statement, after five questions put to him in succession. The recollection of Demont seemed to fail her entirely on this part of the subject; she was lost in uncertainty, and could not remember whether there was any change of clothes, or whether she had seen any wet clothes, upon the occasion of her royal highness using the bath.

"In order of time he must now touch on the occurrences at the Holy Sepulchre; but there was one fact stated in evidence, which had, he thought, been somewhat overlooked by his learned friends. During the examination of Gaetano Paturzo by their lordships, it was alleged that some of the gross indecencies mentioned in the charge occurred at a time 'when other people were walking the deck in the cool of the evening, and might see all that passed if they choose to look.' Surely the mere reference to a statement of this kind was sufficient for its refutation. No man in his senses could believe it for a moment.

"He would not wade through all the details of evidence, not less incredible or preposterous, but he could not avoid expressing his astonishment that such evidence should be offered in support of a charge hitherto unheard of in any court of justice, and a parallel to which he verily believed was not to be found in the annals of any nation. Gracious God! that it should be recited in the preamble of a Bill of Pains and Penalties, and on the authority of evidence like this, 'that her majesty had engaged at Milan a servant in a menial capacity; and that, while in that situation, an unbecoming and disgraceful intimacy commenced between her and that individual; that he was advanced by her to a high situation, with extraordinary marks of favour and distinction!' &c. It was added, that her royal highness had conferred an order of

knighthood instituted by herself upon this individual. God alone knew what law had been infringed, or what or whose prerogative had been violated by the institution of this order. If it were at all an offence against human law, or a trespass on the sovereign power in any state, it appeared to him to be an offence against the dignity of the Grand Seignor. How was he to defend his royal client against this imaginary wickedness of conferring on Pergami a mark of distinction which was bestowed at the same time on Mr. Hownam, Mr. Flynn, and on William Austin? The offence, however, such as it was, had undoubtedly been committed, and he had only to submit that the punishment ought to be commensurate. The symbol of the order was, he could assure their lordships, composed of riband, and not of straw. He would not waste their valuable time by any further animadversions on this subject; but content himself with asking—what must be the dark malignity, the settled rancour, the atrocious inhumanity, of those who could lay such a circumstance before that illustrious assembly as proof of a guilty and licentious passion? There never was a more perfect mockery of justice, or a more signal example of the possibility of converting the most innocent actions into evidence of culpable behaviour. It showed to demonstration how easy it was, when some persons were so disposed, to find matter for a Bill of Pains and Penalties.

"He would now, however, shortly advert to some parts of the evidence given at their lordships' bar, and which did not seem to have hitherto attracted any especial notice. In the first instance he would call their attention to the testimony of Luigi Galdini. According to this man's story, he had been, during her royal highness's residence at the Villa d'Este, in the employment of a person named Guggiaro; and in seeking for his employer at one time, somewhat early in the morning, at the Villa, he opened a door, and discovered the princess and Pergami in an indecent position. It was extremely probable indeed that a mason should walk into the palace of a princess, with the view of looking for his master; and that he should meet with neither chamberlain nor domestic servant on his way before he entered her royal highness's apartment. At the Villa d'Este she lived surrounded by all the form and state belonging to her rank, but, it seemed, could not avoid the intrusion of the artisans who lived in her vicinity. This witness, however, swore that in he certainly walked, and, after passing a great many doors, at length opened one where he beheld the scene alluded to. Now let their lordships mark what followed. 'I opened the door,' said he, 'and shut it

again immediately, in the twinkling of an eye.' On what were the princess and the Baron Pergami sitting?' The answer to this question was, that the witness did not know whether it was a sofa, or an easy chair, or a small bed: he made his escape in a moment, without any particular observation. Immediately, on the very back of this statement, he acknowledged, or rather related, the following conversation as passing between himself and Pergami on that occasion:—

'When you opened the door, what did the baron do? He took his arm from the neck of the princess, got up, and said to me, what do you want from here, you dog?

'The interpreter observed, that the witness's expression was somewhat stronger—it was '*razza di cane*,' which meant 'son of a dog.'

'What did you say to the baron? I said, you must excuse me, signor baron; I came here to look after the *fattore*, for I have got so many men, and I want the materials to set them to work.

'Did the baron make any reply to that? He told me that was not the apartment of the factor, and that I ought not to be looking for him there.'

"All this was represented as passing in an instant, in that twinkling of an eye during which the discovery was made, the door opened, and the escape of the witness effected. He really thought such a piece of evidence deserved a public exhibition as much as any of the rare and choice productions of nature. But they were afterwards told that her majesty, who had never manifested such a propensity at Blackheath, became afterwards addicted to the practice of swimming in the river Brescia. Here again, unfortunately for the charge, it was proved that the depth of the water was not above two feet, or two feet and a half, although it had been sworn by Bianchi that her majesty's clothes were wet at the top on her coming out of the stream. It was to listen to probabilities of this nature that their lordships had been detained 40 days—had been obliged to perform quarantine.

"With regard to Mahomet's dances, he had no sooner heard the account given of them than he had set on foot some inquiry concerning him. He was now happy to inform their lordships that Mahomet was on his way to this country, that Mr. Elliston had kindly given him an engagement, and that their lordships would soon have an opportunity themselves of witnessing his exhibitions on a somewhat wider stage—viz., at Drury-lane Theatre.—*(A laugh.)* But these were circumstances never to be forgotten in a serious consideration of the case. The most dangerous and artful falsehoods seldom consisted of pure invention. They were generally founded upon facts when they were to be made the materials of perjury and conspiracy. On such occasions truth formed the outline, but misrepresentation and falsehood filled up the

picture. Let them consider with what artifice the account of the scenes at the Barona was given. It was stated that persons of distinction came at first, but ceased to come in consequence of the introduction of low people. But, with regard to this, it was remarkable that Demont herself said she had made no particular observation; and by Mr. Hownam's evidence, as well as Capt. Vassali's, it clearly appeared that the Barona was a small country-house, although magnified by his learned friends on the other side into a spacious and magnificent villa—prodigally, suspiciously bestowed, by her royal highness, on the favourite and beggarly Pergami. It also appeared clearly that no entertainments were ever given there, except to about forty or fifty farmers' daughters, and persons in the neighbourhood; that it was carnival time; and that the queen always retired before the servants joined the party. Such was the real truth of a story which ought never to have been told without producing Mochatti, the curate, and the prefect, to confirm it.

"In adverting to the occurrences at Carlsruhe, and to the evidence of Kress, he must remark that they stood in a peculiar predicament. Kress was a witness who had been compelled to appear at their lordships' bar, and to depose against the accused. But all the exertions of his majesty's ministers and of the British government had not availed to bring over to England the chamberlain of the Grand Duke of Baden, a witness for the defence. He did not mean to cast any blame on his majesty's ministers, but the plain and undeniable fact was as he had stated it. Either Kress was forced to come, or she had sworn what was untrue. If she had stated what was true, their lordships could never have met with a case of greater oppression and tergiversation than that which stared them in the face in the conduct of the grand duke's minister, the Baron de Berstett. If, indeed, what was stated by Berstett was true, the witness Kress had committed perjury. It was, however, too much to hear this minister afterwards saying, in his correspondence with Mr. Lamb, that he 'trusted his exposition of facts would furnish a most convincing proof of the impartiality and justice of his government.' If the government of Baden had been just or impartial, then, he repeated it, Kress was a perjured witness. 'If, my lords,' (continued the learned gent.) there has been influence more powerful than that of Great Britain exerted upon this occasion—influence which has operated not only in deterring the Baron d'Ende from coming to this country, but which has even induced the minister of the Grand Duke of Baden to falsify himself in the eyes of the whole world—in that case, I would ask your lord-

ships, whether there be one among you who will tell me that I am to proceed with my defence to Carlsruhe; where British influence has failed, but where other influence has succeeded in compelling the attendance of witnesses on the opposite side, at this bar, and in withholding, at the same time, the witnesses for our case. I will not stain the purity of your lordships' proceedings, I will not pollute a court of justice, by dwelling more than for one moment upon these disgusting facts. I will not impugn the integrity of this house, by supposing that there is now within it one honest ear which will not be shocked at their recital.' He meant to cast no political reflection upon any particular country; he viewed with no contracted prejudices any noble foreigners: but he was sure that the house would unite with him in looking with deserved contempt upon some individuals among those foreigners —upon Hanoverian ambassadors, for instance, taking upon themselves the dignity, the honour, of becoming inspectors of dirty sheets, and searching into the contents of foul clothes' bags. Why, then, to the great shame and disgrace of those individuals, he would say, (and at least, for the morals of England, he might say it,) that they had been actuated in this their meritorious proceeding by the native propensity of their souls to grovel in filth, and to revel in obscenity. He need hardly state, that in such a disgraceful course no individual would be found ready to embark who boasted the name of an Englishman; much less one who bore that character.

"He would now trouble their lordships with no more instances, with not another single observation drawn from, or applying to, the particular accusations contained in that part of the evidence to which he had adverted. There was, however, one point in this case which he held himself bound to bring under their lordships' consideration, and which, he thought, well deserved their notice. They had been told that they had closed their case without producing the boy Austin, the Countess Oldi, Mariette, the half-sister of Demont, Schiavini, or others, who are now in attendance within this house, as witnesses summoned on the part of the queen. With an astonishment which he never could forget had he heard his learned friends on the other side charge them (the queen's counsel) to produce their witnesses. Produce their witnesses! When these counsel had established no guilt, they were to be told, 'you shall establish her innocence;' as if this were really an inquiry only into the conduct of the queen, and not a hostile attack, founded upon false evidence, procured by the most iniquitous means, against the honour, rank, and character of her majesty. Produce their witnesses!—as if his learned friends,

now that they had finished their case, could bring forward one single instance among their list of criminal charges, which was made out against her, which was not, indeed, absolutely refuted.

"Let their lordship's consider, for a moment, the case as it now stood. At one period of it, his learned friend, Mr. Brougham, had said, after finishing, perhaps, one of the most able and eloquent arguments ever yet addressed to that house, against calling in Mariette Demont, 'notwithstanding all this, I will call her.' Mr. Brougham was right in saying so at the period of that case. He was right, because the queen's witnesses had not then arrived. His learned friend did not then know that they should be able to take the case, particle by particle, and to show to demonstration its fraud, falsehood, and perjury. 'Therefore,' said he (Mr. Brougham), 'we must meet this case, by adducing general evidence of the queen's conduct in opposition to all that Demont upon her cross-examination may be able to say.' But now that the case was changed, he (Dr. Lushington) would ask their lordships in the name of common sense, how these witnesses would stand? They were the witnesses best known to the queen—who had had the best opportunities of observing her conduct—who were under the greatest obligations to her. Now, if no stories could be extorted from these individuals against her, if no serious ground of charge could be got at, out of their depositions, then what an outcry would there be raised against them? His learned friends would directly exclaim, 'Oh, their evidence is not credible: they are under obligations to the queen; they are relations of Pergami, they cannot be believed.' Would any counsel who did not deserve to have his gown stripped off his shoulders venture to produce witnesses under this liability and disadvantage? Aye, but was this all? If they were persons so connected, if they were people of credibility, why, he would ask, had they not been produced on the other side? Why had not the Solicitor-General, who had told their lordships that he had laid before them all the testimony which was deserving of credit, exerted himself to obtain evidence of a character more unquestionable than his own? Even upon this argument, was this credibility to be the exclusive privilege of those who appeared on behalf of the accusation? Were they to reject these witnesses as non essential and not deserving belief, and to say that the others were essential witnesses to the cause? Under such circumstances, were the queen's counsel to be required to produce testimony that was liable to be so met? No man of judgment would have done so, or necessity alone could justify it. Did that necessity exist upon

the present occasion? Let his learned friends point out to him one single part of their case supported by any credible testimony, which they, the queen's counsel, had not met; one single accusation which they had not rebutted. Before he (Dr. Lushington) put Mariette into the box, he must have something further to do. He would not bring her there to disprove charges resting upon testimony to which no man could give credit; to be exposed to the merciless fangs of such a cross-examination as Carlo Forti and some other of the queen's witnesses had undergone.

"It was not, he could assure the house, that he feared the terror of a cross-examination, as applied to any one of those persons who had formerly surrounded her majesty, while that cross-examination was confined only to the acts of the queen. While that was the case, he feared not even the opportunities for misrepresentation. But when he saw what had been the course taken here; when his memory served him to the instance of the Earl of Guilford being rigorously cross-examined as to some declaration made at a private dining-table about a Greek servant; and when he remembered that that declaration was not once charged by either of his learned friends in the opening, but came out only in the course of examination; when he saw another person examined as to a scene that had occurred at the Villa d'Este years since, and of which they had not heard till the moment in which the question was first put from the other side, he was sure that he should only expose a witness to that unfair species of examination in chief which any knowledge of his, as to the fact, could not, upon cross-examination, set right. What he contended for, then, was this—that the Queen should be tried by her own acts; by what she herself had said or done: every witness produced upon the other side was obliged, upon his evidence in chief, to speak to those acts of the queen; but if they (her majesty's counsel) produced a witness, and if, in the course of the whole six years, it unfortunately happened that some lapse of memory, some quarrel with Pergami, some personal caprice, or any other of the numberless incidents which such a space of time must necessarily furnish, should have induced him to do what?—why, to have uttered an expression which could by possibility be tortured into an expression of disrespect towards the queen, what consequence could follow? This—that the queen would suffer, not from what she had said or done, but from what one of her witnesses in a moment of passion, forgetfulness, or accident, might have said or uttered. Their lordships would remember in what manner Lieutenant

Hownam had been asked as to his declarations, and how other witnesses had been interrogated upon the same point.

"There was one other circumstance that he was sure they would not forget—that the purpose of inquiring into the declarations of witnesses was to attack their credit by procuring a contradiction. Would any man who presumed to advocate a cause be justified in producing witnesses who were to be examined as to such declarations when the whole depot of Cotton-garden might be produced to falsify them, and was always in readiness to come forward for that purpose? Believing this to be a case of the kind he had described, to be a false, foul, dark, and malignant conspiracy, he had no hesitation in saying, that, judging not by the arguments that had been offered, but by the experience of the past, by the records upon their lordships' table—not by what witnesses might do, but by what they had done—it would be easy for his learned friends to renew those disgraceful scenes which had already been manifested at their lordships' bar, and by means of the same description of testimony to contradict whatever evidence the queen's counsel might call. Therefore it was, he maintained, that necessity had not called upon him to discharge that duty, and he did hope that the first duty of a counsel was not to expose his client to the risk of any injury; while there was any man who in the honesty of his heart dared to say that there was no accusation which was not disproved.

"Their lordships would think him justified in saying that there was now not one point in this case which required further elucidation. If he turned to look at the examinations, and to contemplate the difference between the witnesses whom her Majesty's counsel had produced and those produced upon the other side, fearlessly would he hold it up as one of the most singular contrasts which the annals of legal proceedings could furnish. He could say, look at their character, look at their conduct; but, above all, look at the obligations on the one side to speak the truth, and the absence of all those qualities on the other. Witnesses their lordships had had in abundance; they had seen a commission instituted for the express purpose of doing what?—of inquiring into the guilt or innocence of the Princess of Wales He knew not the tenor of the instructions under which that commission acted, but by their effects he knew what those instructions were. And this he knew—that the moment the commissioners were established at Milan, they began by taking the testimony of discharged servants, and never once availed themselves of the opportunity of examining whether that testimony could be

contradicted or confirmed by persons of greater respectability, and under less suspicious circumstances. What, then, was the state of this case? He would ask the house if such an instance ever occurred in any former proceeding as that which he was about to notice. The witnesses against the accused were discarded by the accused, and retained by the accuser. They were taken into the employment, and received the pay of the prosecutor himself.

"Their lordships could not but consider as one additional circumstance of odium attaching to the whole of this proceeding, the absolute, the indisputable temptation thus thrown in the way of some of the parties. He besought their attention to the existence and the operation of this fact: Rastelli was taken away in the first instance; Sacchi came next, and then these men themselves were sent to seek confirmation of those very fabrications and evidence which they were the first to originate and to arrange. Gracious God! What could be the end of a measure proceeding upon testimony thus procured? What would the event prove, or who could foretel the consequence of an investigation resting upon the evidence of men who had so acted? Did any one ever hear of a precedent for so extraordinary a case? Here were two of the witnesses, Sacchi and Demont, who had been kept at the sole expense of the prosecutor for 15 months previous to their appearance at the bar, and two others of them, Rastelli and Majocchi, certified and acknowledged to be in his employment. These were facts more than amply sufficient to demonstrate the anomalous and unjust nature of that commission; that commission indeed, sat not, acted not, for the purposes of truth. Having opportunities by examination and inquiry of acquitting the queen from the foul slanders propagated against her, they had proceeded to prepare and encourage accusations against her: vested with sufficient powers to ascertain and defeat the malevolence of her enemies, their conduct had tended only to injure and betray her.

"There was not one of the witnesses produced before the house who possessed any one of the qualifications which are the usual characteristics of truth: they were persons of no character, at least they had none to lose; they had no punishment to dread, and even after their arrival in England they must have learnt from the memorable example and timely flight of Rastelli, that whatever had been the falsehood of their deposition, or however it might be desired rigorously to sift their evidence, impunity and escape might yet be possible. They were, therefore, in no fear of punishment even in the event of contradiction. Now, was it requisite for him to say

one word as to the proof of the existence of this conspiracy? He thought his learned friend (Mr. Denman) had left it so established, that no observation from him was requisite: nay, he would say this: the parties accused, it must be confessed, were Colonel Browne, Vilmarcati, Reganti, and Rastelli; he had, he must own, heard one word said in favour of Colonel Browne; but not one could be urged in favour of Vilmarcati. Of those who alone could have proved or disproved the charge, Rastelli was gone to Italy, (and his daparture had been justified on false pretences); and the other, Reganti, was the very individual who first procured the services of Rastelli. This latter, the other side had not dared to call: had they done this—had they boldly put Reganti to the bar, and brought him to contradict the testimony of Omati and Carlini, then might they have said, with something like a seeming of fairness, and with something like a show of justice, that they had openly met the charge. The queen's counsel had done all that was required for the ends of justice; he said nothing against those who were with the prosecution; but when he saw that they had neglected so to avail themselves of the means of calling such evidence as might elicit the truth, when they had dared to put one of the principal conspirators in the box to answer for himself, away with this false pretence of justice—away with this frivolous pretext of fairness, and with every claim to openness or impartiality.

"Let it be remembered that there was at this time no impediment to bring forward such evidence with becoming honour and fairness. What argument then could justify the course that had been taken? If he ventured to assign any one, it would be this—the consideration of Vilmarcati. Never once in the course of the cross-examination did his learned friends presume to approach any facts that should prove, that as far as Vilmarcati was concerned, the whole of this abominable and atrocious conspiracy had been carried on by means the most unjustifiable: that the evidence which the Milan commiisson procured had been procured by means which an honest man would have shrunk with horror from employing. He would, however, say nothing further of the conduct of those who, having the power, ought to have used it to discover the truth. All he would say was this—that, vested as it was, with all the means which a first Lord of the Treasury could command, possessing all that influence over foreign ministers which he could exert, established in full authority at Milan, and sending its couriers and agents throughout all Italy and Germany, never had the unlimited power of this commission, particularly its power of information, been exercised in one

solitary instance to attain the ends of justice. Sir Wm. Gell remained in Italy unquestioned; Mr. Craven remained in Italy unquestioned; Dr. Holland unexamined; the Count Vassali uncalled for; Sicard unsought. He did not say what ought to have been the course these individuals should have adopted, but he did say, that when all these powers were intrusted to the hands of the accuser, it was the most extraordinary—the most solitary instance of their exertion in any other way which he had ever heard of, that Lieutenant Howham was sent for by the first Lord of the Admiralty to be asked where James, the seaman, was, after all the industry and perseverance which had been manifested in support of the prosecution—one half of that industry and perseverance excited, *bona fide*, for the interests of justice, would have spared their lordships the painful duty of now listening to those well-founded representations her majesty's counsel were bound to make. An impartial investigation of the evidence on both sides before the proceeding was instituted, would have saved the country from the evils which at present impended over it.

"He had now to thank their lordships for the indulgence with which they had heard him, after their attention had been already so many times engaged by this strange inquiry. He left his illustrious client, her honour and character, in the hands of the house with the most perfect confidence: he left her, not to the mercy, but to the justice of their lordships."

Dr. Lushington having retired from the bar,

Earl Grey observed, that at this late hour he thought it would be unfair to the learned gentlemen on the other side to require them to commence their reply. Before the house adjourned he would, however, take the opportunity of stating, that after re-considering the subject, he did not intend to persevere in the motion of which he had given notice on a previous day; the production of depositions abroad could only apply to Demont and Sacchi, because they only appeared to have been sworn to those depositions. Had he given his notice at an earlier period of the inquiry, it might be proper to persevere in it; but it seemed useless now to call for depositions when no opportunity would be afforded to the witness of reconciling, if possible, any apparent discrepancies. For this reason he withdrew his notice, though he thought it right to add, that with regard to the two principal witnesses he had named, he certainly wished for no further information.

The house then adjourned at 90 minutes past three o'clock.

REPLY TO THE DEFENCE.

FORTY-THIRD DAY,—FRIDAY, OCTOBER 27.

THE ATTORNEY-GENERAL addressed the house.—"As the defence of her majesty had now closed," he observed, "it became his duty to address their lordships in support of the bill, when they considered the importance of the case itself, the length of time it had occupied, the feelings it had excited, and the anxious interest that was taken in its result; be that result what it might, he was certain, that these considerations were more than sufficient to entitle him to their lordships' indulgence; an indulgence of which no advocate had ever stood more in need. It was not, however, that he felt oppressed by the difficulty of the case, but the investigation had occupied their lordships so long, while his learned friends had engrossed their attention for the entire space of three days, that he feared that attention must be exhausted. Besides, the subject had, by frequent discussion, now become trite and stale; and looking at the mass of evidence on their lordships' table, and remembering the length of the remarks of his learned friends, he was apprehensive that he must still be under the necessity of making a larger demand on their lordships' time and perhaps their patience, then he should otherwise have been called on to do. But before he proceeded to investigate the evidence adduced by his learned friends and to comment on their reasoning, he begged to advert to one topic so frequently introduced, so vehemently complained of, namely, the peculiar disadvantages under which her majesty had laboured in meeting the charges in the preamble of the bill. Whatever weight might attach to that complaint when originally made, however it might appear to apply when she was refused a list of witnesses for the prosecution, this topic of complaint ought, in his opinion, to cease, when their lordships should consider the manner in which her majesty's defence had been permitted to be conducted. The charges were distinctly known, even from the preamble of the bill; all the witnesses for the prosecution had been examined, and their evidence printed. At another stage proceedings were suffered to stand still, merely at the request of the counsel for the queen, who were allowed to choose their own time and the method for rebutting the bill. Unlimited funds were placed for that purpose at the disposal of the queen, and every kind of facility was afforded her by government.

"While adverting to this point, however, their lordships would permit him to express his confident hope that this instance of accommodation would not be suffered to stand as a precedent; since nothing could be conceived more dangerous, more hazardous, or more contrary to the even course of justice, than to afford time to answer a case after the evidence in support of the charge had been closed.

"It had been alleged that the witnesses were perjured and corrupt, because such testimony was easily procured in the country from which they came. But if perjured testimony could so easily be procured, did not the publication of the evidence, and the delay allowed for the defence, facilitate the obtaining it? He was sure, therefore, that her majesty had sustained no disadvantage from the manner in which the proceedings against her had been carried on; and that she would have no reason to complain of her defence being injured, even if the most extraordinary talents had not been employed in conducting it. Her case was now presented to their lordships, not under circumstances of disadvantage, but under those of advantages with respect to means of defence, and the ability with which they were employed, never before experienced on any other occasion. If, then, after all these great means and resources, they have failed—if the case remain as it originally stood, uncontradicted—nay, if it be supported by the evidence adduced on the defence, her majesty certainly cannot complain that her failure is owing to any impediment experienced in her defence. She cannot complain that she has been deprived of the means of setting forth her case, and must admit that she has possessed the peculiar advantage of having called most extraordinary talents to her aid. Under these circumstances, the path he had to pursue was a plain one, though it might be painful and tedious. He could not enliven it with the eloquence of his learned friends, nor scatter over it those flowers of imagination in which they had indulged. To them the field of ornament was open; all the brilliant illustrations of antiquity, and all that modern authors afforded, were in their power, and they could resort to them to captivate the feelings or adorn their orations. He was, on the contrary, condemned to call only simple facts, and lay them plainly and unadorned before their lordships; to examine with care and attention the evidence which had been adduced in the case, upon which facts and evidence their lordships must ultimately decide, without reference to any of those irrelevant topics which had been so unsparingly introduced.

"The charge against her majesty was contained in the

preamble to the bill; but that had been so often repeated in the course of their proceedings, that it would be a waste of their lordships' time were he now to stop to describe it. But, before he advanced to the facts of the case, he trusted he might be permitted, in the outset, to avail himself of what had been acknowledged by his adversaries, who had been compelled to admit that the case for the bill was complete, if the evidence was to be credited; that, if the witnesses were to be believed, they had fully proved all the charges contained in the preamble. He must also avail himself of another admission. They not only admitted that the case for the bill was sustained by evidence, but they showed that they considered it evidence which required the fullest answer. They had accordingly employed three weeks in examining witnesses, and six days in speeches to reply to that case, which, as it stood, was acknowledged to be triumphant. Then, while their lordships were considering the evidence, let this admission never be forgotten. In examining the evidence adduced for the defence, their lordships would now have to consider not so much how far it had contradicted, but how far it had confirmed the charges proved in support of the bill. In this case the most artful—he did not say so disrespectfully, for it was most judicious for advocates, under the circumstances in which they were placed—but the most artful conduct had been resorted to in the defence. His learned friends had constantly taken care to select insulated and minor facts, for the purpose of pointing their contradictions against them, while they left entirely out of view all the leading facts of the case. They then argued on those insulated facts as if the whole merits of the case depended on them, and turned completely aside from the consideration of all those important facts and circumstances by which their lordships' judgment must be guided.

"Before he proceeded to examine the particular facts, he would therefore, with their lordships' permission, recur to the leading circumstances to which their attention would have to be constantly directed in forming an opinion on this case. The first of these circumstances was the favours shown by her majesty to that person whose name had been so often mentioned in the course of these proceedings—he meant Pergami. That man was taken into her majesty's service at Milan in the month of October, 1814; that within a few short months, that man, without any apparent motive on the ground of his services, was taken into particular favour; that without any reasonable cause, without any pretence, without any object that could be conjectured except that of the licen-

tious intercourse charged in the bill, that man was advanced and placed on a footing of familiarity with his mistress; and that, while he still held a menial situation at Naples, his child and other members of his family were taken into her majesty's household. Their lordships would also find that within a short period after he was engaged, and while he was still a courier, he dined with his royal mistress, and that he was very soon after raised to a station which might have regularly entitled him to that honour. Their lordships would likewise see in the evidence the proof of his having been loaded with titles, doubtless procured through her majesty, because it was absurd to suppose that such a man as Pergami had the means of obtaining them. He was now placed on terms of the closest familiarity with her majesty, and that intimacy continued for a period of six years without diminution, until she arrived at the opposite shore on her way to England, when he was dismissed—not, however, dismissed her service, but to a seat which the queen had provided for him at Milan, her regard for him continuing the same, though she had not brought him to this country. These facts his learned friends had not attempted to contradict. They were admitted on all hands, and their lordships could not displace them from their minds in coming to a decision on the bill. Therefore, while his learned friends seized on the cases at Naples and on board the polacre, which were insulated facts, their lordships would perceive that they were to be considered with reference to the leading fact he had now mentioned, and with that reference form their opinion on the whole case. But before he approached the facts of the case, those facts from which the adulterous intercouse was not merely presumed, but, as he contended, proved, he could not too strongly impress on their lordships' minds the necessity of never leaving out of their view the manner in which this man had been taken into favour by her majesty, the manner in which his family had been taken under her protection, and the manner in which he himself had been covered with honours, and presented with estates.

"Having made these introductory remarks, he would now turn to the evidence and examine the facts in the order of time in which they had been brought before their lordships; and the statement he was about to make he was confident would receive their patient and anxious attention. Pergami having been hired at Milan as a courier, proceeded in that capacity to Naples, where her royal highness arrived in the month of November, 1814, and from that time commenced the evidence in support of the preamble of the bill. In entering on this part of his subject, he would remark that his

learned friends did not consider the evidence as it really stood, but in reference to his (the Attorney-General's) opening; and, because it fell short of that opening, they inferred that his was of no value, and said, unless the case opened was all proved, the whole of it must fall to the ground. It was, however, their lordships' duty, as judges, to discard altogether his opening, which he was justified in making, on the expectation that it would be substantiated. But their lordships were to decide on the evidence only. His learned friends knew too much of the practice of courts of law not to know that no counsel was tied down strictly in stating his case. In every instance a wide field was left for the counsel in this respect. But suppose he were to grant the assumption of his learned friends, what state would they themselves be in when he showed how they failed in supporting their case? He had, at the worst, attempted to substantiate his opening; but they had not even ventured to substantiate their opening. They promised to produce witnesses at their lordships' bar, whom they either could not or dared not produce.

"Let then, the case at Naples be examined by the principles he had stated, and their lordships would find that, if what he had opened with respect to it was not proved to the full extent, yet that it was substantially proved. What was that case? It was, that her majesty had altered the arrangement which had previously existed respecting Wm. Austin, who used to sleep in her bed-room; that, on the second night after their arrival at Naples, Pergami, who had previously occupied a room in the garret near the other servants, was removed to another apartment, between which and that of her royal highness there was a private communication: that upon the night of the opera she returned home at an early hour, and, having made an excuse, and dismissed Wm. Austin from her room, that then the act took place which formed the foundation of the charge against her majesty. Their lordships would find that there was ample evidence of facts which led to the conclusion that an adulterous intercourse then took place. How, he would ask, was this case met? It remained uncontradicted; though it was asserted by the other side to be contradicted in every part. In the first place, it was said to be contradicted with respect to Wm. Austin. Now let him call their lordships' attention to the evidence on this point. It was proved by Demont, that previously to that night Wm. Austin had generally slept in the bed-room of her royal highness. Mr. Craven is called to contradict this, and to state that, long before their arrival at Naples, Wm. Austin had not constantly slept in her royal highness's apartment;

and that he himself, Mr. Craven, who described himself to be one of her majesty's equerries, but who might have added to that description one of her monitors—that he had pointed out to her majesty, in Germany, the indelicacy of allowing Wm. Austin, then a boy of 13, to continue to sleep in her room. He stated that he had in fact given her majesty a prospective caution on this subject before they arrived at Naples.

"Did her majesty obey the caution which was thus given her? Was the alteration which Mr. Craven had suggested made after this communication? No such thing. Carrington, on whose evidence he should have to make no very mild comments before he closed his case, had indeed been called to satisfy their lordships that the arrangements of Wm. Austin's bed had been altered; but on his cross-examination it appeared that he could not swear whether Wm. Austin had slept more than once or twice out of her royal highness's room previously to her arrival at Naples. Not being contented with this evidence, his learned friends had called Sicard to the bar; and so little was the arrangement spoken of known to him, that he deposed that, in the arrangement which he made of the rooms at Naples, he did not allot any apartment to Wm. Austin, expecting that he would sleep, as usual, in her royal highness's room. Sicard, however, acknowledged that, shortly after their arrival at Naples, Wm. Austin did change from her royal highness's room to another room, though he could not exactly recollect the time when, and added that it was in consequence of her royal highness saying to him (Sicard) that the boy was at that time too old to sleep in her room any longer, and ought, therefore, to have a room to himself. Demont had stated to their lordships that her royal highness had made a similar declaration to her only the night before they arrived at Naples. Sicard's evidence, their lordships would see, fully corroborated that of Demont, at the same time ti contradicted that of Keppel Craven and William Carrington; therefore, so far from the evidence which had been given in support of the bill having been shaken by that which had been brought against it, it had been literally strengthened by it; Sicard, who had made all the arrangements of the room, and who, therefore, was most likely to know them, being in flat contradiction to the two witnesses he had just mentioned.

"That fact being thus established out of the mouths of her majesty's own witnesses, he should now proceed to the next point in his case. What was it? Why, that Pergami, though he had slept on the first night along with the servants, had been removed to a different apartment on the second. His

learned friends had stated that this removal had been made without the knowledge of the queen, and by Sicard's authority alone. In the evidence their lordships would find that, though Sicard had stated he had had no communication previously with her majesty on the subject, he had also stated that he had had some communication with Hieronymus upon it. Hieronymus, who might have given some explanation of the nature of that communication, had not been called to give it, and the failure of his learned friends to call Hieronymus on that point had excited a suspicion in his mind that the removal had originated in consequence of a suggestion of her royal highness, conveyed to Sicard through Hieronymus. Sicard was then asked 'Do you recollect any reasons you had for this alteration?' and he said, 'The principal reason I had was, that there was a glass door which went into the garden, that was not safe; and therefore I thought it right that a servant or some one should sleep there—a male.' If the reason of Pergami's being removed to this apartment was really to protect her royal highness from danger, and to prevent any person from reaching her cabinet from the garden, how was it, he would ask, that the communication between the cabinet and the garden had not been entirely cut off by stopping up the glass door, which would have added so greatly to her royal highness's security, which Sicard had declared was the only object which he had in view? But this was the pretended, not the real reason, for though Pergami might be placed there to obtain security for her royal highness against all attacks from without, there was nothing at all to protect her royal highness from the visits of Pergami himself. It was worth their lordships' while to observe the manner in which it was attempted to explain this circumstance by Carrington's evidence. Carrington knew of no such reason as that mentioned by Sicard; he had heard of no such motive being assigned for the removal of Pergami; he had never been informed that it had taken place for the security of her royal highness. On the contrary, he declared the reason why Pergami's room was changed to be because it was so low that he could not stand up in it. When such contrary attempts at explanation were made, and when one of them might have been corroborated by Hieronymus, who had not been called, their lordships would see the reasons assigned for this removal were by no means satisfactory; and when they recollected the general view of the case which he had previously urged, they would not be able to entertain the slightest doubt of its having been made in order to ensure an uninterrupted communication between Pergami and her royal highness.

"Another point, on which it had been stated that Demont had been fully contradicted, was the point of time; now he begged leave to say that she had met with no contradiction upon that point, for all that she had stated regarding the queen's return from the opera, was this—'It seemed to her that she returned early.' She had not sworn that her royal highness had returned early, but merely that it so appeared. Sir Wm. Gell and Mr. Keppel Craven had been called to prove that her royal highness had not returned till a very late hour, and that she had been conducted to the door of her apartment by Sir W. Gell. This was no contradiction to Demont, who had stated that, after she had gone to her royal highness's bed-room, her royal highness dismissed her, and went across the passage into the cabinet—a circumstance which his learned friends on the other side had attempted to explain by a reference to the water-closet, but in which Sicard had not borne them out.

"He had now proved that there was no contradiction as to point of time: he would next show that there was none in the relative situations of the rooms of her royal highness and Pergami. The free communication between these two rooms did not stand on the evidence of Demont and Majocchi alone, but it had been proved also by the evidence of Whitcomb and Sicard. They had stated that there was a secret communication running between them parallel to the passage which led to the room of Dr. Holland and other persons in the suite. Another point which his learned friends had declared was not proved was this—that her royal highness had not shown herself till late in the following morning after the criminal intercourse had commenced. His learned friends had, however, omitted to call the attention of their lordships to the testimony of Demont, who had stated, that after she had dressed her royal highness that morning, her royal highness went into the small cabinet, where she remained nearly an hour and a half. Sicard had been called to contradict her upon this point, but had failed. Sicard stated that, though he recollected going in quest of her royal highness when she lived at Blackheath, in consequence of persons being waiting for her appearance, he had not any recollection of such a circumstance having happened at Naples the second day after her royal highness's arrival there. This was all that Sicard had sworn, and he maintained that it totally failed to overturn the positive recollection of Demont.

"Another fact to which Demont had sworn was, that there were two beds in her royal highness's room, of which one was a small travelling-bed, the other a larger bed. Demont had

likewise sworn that the small travelling-bed did not appear to have been occupied at all, whilst the larger exhibited marks of such a description as he should not more plainly allude to. What had his learned friend, Mr. Williams, in his opening speech, declared that he would prove in contradiction of Demont? Why, that he would prove, by the testimony of another servant, that, in consequence of the wind having blown open the casement in her royal highness's room, her royal highness had called that servant who then saw her alone in the travelling bed. Had his learned friends called a single witness to substantiate that statement? Who was the servant in question? Was it Hieronymus? If it was, he supposed that the terror which had operated on the nerves of Lieut. Flynn had also operated on those of Hieronymus, and prevented him from being submitted to that cross-examination which he ought to have undergone. But, when he was charged with having failed in making out the case which he had had the honour of opening to their lordships, why might he not be allowed to retort the charge on those who made it? Could a more satisfactory answer have been given to this accusation than by calling the servant who was able to depose to such a fact as his learned friends had stated? When their lordships found that her majesty had means to contradict the evidence which he had brought forward, and that she had not dared to offer it to their lordships, the necessary conclusion was, that she was prevented by a consciousness of guilt, and not by any defect in the memory or nerves of her witnesses. He had thus proved enough to satisfy their lordships that Demont had been confirmed in all the circumstances which she had stated to have occurred on the first night of this criminal intercourse. She was confirmed as to the time, the place, and the relative situation of the bed-rooms, and she had not been contradicted respecting the state of the beds, although contradiction had been opened to their lordships, for which not the shadow of a witness has been offered in proof.

"He now implored their lordships to remark how ingeniously the counsel on the other side had laboured this part of their case. They said that this part was laboured on the side of the counsel for the bill; and added that, if they could cut it down, the whole case was destroyed, the key-stone would be removed, and the whole structure would be levelled to the earth. He denied the assertion of his learned friends altogether. Even if their lordships, after the arguments which he had submitted to their consideration, should be of opinion that the intercourse at Naples on the second night was not proved, even if Demont's evidence were entirely struck out of

the minutes, the remainder of the case was not touched; because, whether the intercourse commenced at that time or not was immaterial, since there was ample testimony to lead their lordships to believe that it commenced afterwards at that place, or, if not there, at other places, long before Pergami was elevated to his honours. The second case proved by Demont was the meeting with Pergami in the corridor in a state of undress, approaching towards the chamber of her royal highness. He was suprised to hear the Solicitor-General for her majesty observe, in commenting on the evidence in proof of that fact, that it was calculated to excite a suspicion that an improper intercourse was carried on between Pergami and Demont, rather than between him and her royal highness. The statement which Demont had made was, that being about to return from her royal highness's room to her own, on opening the door for that purpose, she saw Pergami advancing along the passage in a state of undress; that, in consequence, she made her escape to her own apartment as fast as she could; and that she afterwards heard the lock of the door turned, to prevent any subsequent approach to that quarter. His learned friends had shown, by the observations which they had made, that they knew not how to deal with that part of the case. It was clear that they thought it to be an undeniable proof of her majesty's guilt, and they had therefore endeavoured to withdraw it from their lordships' notice by the multifarious remarks which they had made upon it. It might, however, have been contradicted by other witnesses; but it had not, and therefore it was another convincing proof of her majesty's criminality.

"He next came to what occurred at the masked ball: his learned friends had made great exertions to do away with the evidence on that point; but had they succeeded? He trusted that, when their lordships calmly examined all the testimony which had been offered on this point, they would be of opinion, as he was, that it did not contain the slightest contradiction to the evidence of Demont. Her statement was, that, after her royal highness had made her appearance in the dress of a Neapolitan peasant, she withdrew from the ball-room; that she retired to her dressing-room, to which Pergami accompanied her; that she stayed there for three quarters of an hour; and that she afterwards came out of it dressed as the Genius of History, and went down stairs in that character. That she had appeared in such a dress was not now disputed; and he would maintain (whatever the opinion of Sir Wm. Gell might be) that it was not, even from his description, one of the most delicate nature. Sir Wm. Gell had compared the

dress to that of Minerva, in Mr. Hope's Costumes, and to that of the Cariatides in the Townley marbles. Those who had seen those figures informed him—for he had not seen them himself—that their dress was a thin drapery, leaving the arm bare up to the shoulder. Yet Sir Wm. Gell, though he had seen her royal highness in this dress for so short a time that her appearance operated upon him like a flash of lightning, had such very good optics, that he could observe, that there was another dress under it, the same which she wore when she was a Neapolitan peasant. Sir Wm. Gell admitted, however, that there was a considerable delay before her majesty returned; that there was a great anxiety in the company to see the exhibition which it was known her royal highness intended to make; that, at last, the doors opened, when her royal highness was seen for a moment in the act of crowning the bust of Murat with a wreath of olive or laurel. The delay which Sir Wm. Gell had admitted accorded with the time mentioned by Demont as spent in the dressing-room along with Pergami.

"Their lordships would observe, that Mr. Craven, at the same time that he affirmed that there was nothing indecent in the dress, also added that he had observed it only for a moment. His examination was as follows:—

'Did you see that dress which you were told was the Genius of History? I saw it for a short time.

'On that night? That night.

'Be so good as to state to their lordships whether that dress was in the smallest degree indecent or improper? I do not recollect that it was at all indecent.'

"Sir Wm. Gell's evidence was to the same points.

'The company had expected that something was to be seen at the opening of a certain door: after a long time the door did open, and there appeared two Neapolitan ladies, the Duchess of Civiella and the Countess of Derri; I think the Duke of Cassarano with a trumpet—the Princess of Wales came down with a wreath of olive or of ivy—of olive I think, and placed it upon the head of a bust; the door opened, as it might be so; the scene was shown, and the door closed in as much time as I do it, and no longer.

'Do you remember the particular dress of the Princess of Wales upon that occasion? I remember it perfectly well: it was a dress which I should say is best exemplified by the figure of the Townley Cariatides in the British Museum, or Mr. Hope's Minerva; it was meant to imitate one of those statues.

'Was there any thing indecent or indecorous in the style or nature of that dress? The whole world is capable of judging; those statues are very much draped, completely covered.'

"He must again repeat that he had not himself seen those statues; but from the information of others who had, he understood them to be quite the reverse of completely draped.

However that might be, the fact that Pergami had remained a considerable time alone with her royal highness on that evening was corroborated by the evidence of Sir Wm. Gell, who spoke to her royal highness's absence for a considerable time from the company, and accounted for his recollecting it by the anxiety which they expressed for her return.

"The other occurrences at Naples to which Demont had deposed, were the occurrences at the Theatre San Carlos, and to Pergami's having been seen walking arm in arm with her royal highness upon the terrace. His learned friends had supposed those charges to have failed because he had carried them in his opening speech further than the proof warranted. The question, however, here was, did her royal highness go to the masquerade along with Pergami and Demont, or did she not? Demont's evidence went to prove that she did. Not that he meant to blame her royal highness for enjoying the amusement of a masquerade, or that he was so ignorant as to suppose that persons at a masquerade were not disguised: such an idea had never entered his mind, nor had such an expression ever passed his lips; but he did blame her for not taking along with her the ladies of her suite, for not being attended by Mr. Craven, or Sir W. Gell, or Dr. Holland, who were there at the time.

Mr. Denman here interrupted the Attorney-General, and said, 'How does this appear, and where?'

The Attorney-General.—"He would show that from the evidence; but, before he proceeded to do so, he must assure his learned friends that he had no intention of stating any thing as being upon the evidence which was not actually there. It was his duty to recapitulate the nature, and to comment upon the tendency, of the evidence; and, in doing so, he declared before God that he would refrain from all comments which he did not believe to be just as well as necessary. The charge against her majesty then was, not that she went to the masquerade, but that she went there secretly with Pergami and Demont, instead of going there with her ladies and her suite. Demont proved that to have been the case; she stated the dress in which her royal highness was arrayed, the manner in which she went, and also the manner in which she was received; and was he, after the description which had been given of that reception, to be told that there was nothing improper or injurious in her going there secretly, on a dark night, in a hired fiacre, and without the attendants due to her rank and station? Why had not Mr. Keppel Craven, why had not Sir W. Gell, been called to prove that they were

then in attendance? Why, but because she had never been at the theatre on any other night, and because on that particular evening she went there, not in company with any of her gentlemen or ladies, but with her inferior domestics, Demont and Pergami. Why had Pergami, the courier Pergami, who had not been in her service more than three or four weeks, been selected to attend her? Why had she not taken for her companion Hieronymus or Sicard, or any of her other servants, who, from long experience, was more entitled to her confidence? Could their lordships, when they recollected these circumstances, derive any other inference from them than this —that an adulterous intercourse had commenced between her royal highness and this Pergami at Naples, and had been continued till the very last moment that he remained with her at St. Omer's?

"Demont next stated, that she had seen Pergami and her royal highness walking arm in arm upon a terrace in the garden at Naples. How had this been attempted to be disproved? By the most extraordinary evidence that he had ever heard of. Sir Wm. Gell and Mr Craven were called to contradict her. Sir Wm. Gell deposed that he had seen her royal highness and Pergami walking together on a terrace, Pergami being only five feet behind her. But the most important testimony was that given by Mr. Craven, who, having seen the same circumstance, said, that, as he knew that there was a spy from England at that time in Naples, he thought it necessary to caution her royal highness with regard to any outward appearances that might be misconstrued. What would their lordships think when they heard that Mr. Keppel Craven was so sensitive for her royal highness's character as to caution her on the necessity of avoiding all misconstruction, and, therefore, against walking out with Pergami? What would they think when they found that he again assumed his character of her royal highness's monitor, at the same time that he confessed that he had not seen any thing improper in her conduct? She was walking upon a terrace, a servant was behind her, and both were visible to all in the neighbourhood; was there any thing improper in that? if there was not, where was the necessity for his caution? But the real cause of the caution was, that she was attended by Pergami; and that he suspected an improper intimacy to subsist between them. How, too, was it that Pergami had so particularly attracted the attention of Lord Llandaff, unless for the same reason, unless something had come to his knowledge respecting the occurrence at the Theatre of San Carlos, or from the common rumours which the conduct of her royal highness had excited in the

neighbourhood? If something suspicious had not been observed in her royal highness's behaviour, Mr. K. Craven would never have dared to insult her by the caution which he had offered; but having given her that caution, it became their lordships to bear it in mind, and to see how they could reconcile it with her royal highness's subsequent conduct.

"There was another charge, supported by the evidence of Majocchi, to which he should now call their lordships' attention. The facts which Majocchi had proved were these:—that Pergami, having received a kick from a horse, was confined to his own room, between which and that of her royal highness there was a secret communication; that in consequence of Pergami's accident, he (Majocchi) was directed to sleep, and did sleep for five or six nights, on a sofa in an adjoining cabinet; that on two different nights he observed her royal highness pass from the corridor through the cabinet into Pergami's room about midnight; that on one occasion she stayed there fifteen minutes, that on the other she stayed there rather more, and that then she walked back into her own chamber. Such were the facts proved to their lordships; but the counsel for the bill had been asked, with an air of triumph, was it likely, when there was another passage by which her royal highness might have obtained access to Pergami's room, without going through the cabinet in which Majocchi was placed, that she would prefer to go by that passage which was sure to lead to the detection of her guilt? But how did this stand? Was not that other passage the common corridor into which the doors of Dr. Holland, Hieronymus, and Wm. Austin, opened? Was it not the passage which was frequented by the greater part of the family, both when they were going to their bed-rooms and when they were going to the water-closet, which it had been proved was in it? Besides, had not Majocchi been placed in that cabinet by Pergami himself? and was he not also a man who had been introduced into her royal highness's family by Pergami himself? Whether adultery took place that night or not, he cared not. This was satisfactory proof that adultery, if not committed on that night, had previously taken place, because no woman who had not had a previous illicit intercourse with that man would have ventured to take such a step—would have ventured to go into his room while he was in bed. But he submitted that Majocchi had proved what showed that an illicit intercouse was going on then. It was said, however, that Majocchi was contradicted here by Dr. Holland. Majocchi said he saw the princess in Pergami's room during his illness, and he wished to call their lordships' attention to the

manner in which Dr. Holland gave his evidence on this subject.

'Do you recollect the princess coming into Pergami's bed-room at the time you were dressing his foot, during his illness? Certainly she did not.

'Do you recollect the princess coming into Pergami's bed-room during any part of that illness? To my knowledge, never.'

"Their lordships would observe that Dr. Holland would not swear positively that her majesty never went into Pergami's bed-room. Whether it was while Dr. Holland was dressing Pergami's foot or not, he cared not; but he contended that there was here no contradiction given to Majocchi, for Dr. Holland only said, 'never to his knowledge,' and it might have happened without his knowledge. Here their lordships had the positive recollection of Majocchi, and only the equivocal recollection of Dr. Holland, and that was not a ground on which this testimony was to be cut down. This evidence of Majocchi was consistent with the other parts of the case, and accorded with the testimony given on the other side; for the fact that the princess was in the habit of going to the rooms of her servants when they were ill was a presumption that this was true. It rested undoubtedly on the testimony of Majocchi, though coupled with other evidence; and he submitted it was probable her Majesty, carried away by her passion for this man, should should have visited him in the way said by Majocchi.

"He had now gone through the facts deposed to at Naples, and had shown how, far from being contradicted by his learned friends, they were corroborated by other parts of the case. At Naples her Majesty was left by most of her suite, by Sir Wm. Gell, by the Hon. Keppel Craven, and by some of the females who had accompanied her from England. She proceeded from Naples to Rome, and came to Genoa; and here he would call their lordships' attention to the evidence of Lady Charlotte Lindsay. On the journey either from Rome to Civita Vecchia, or from Naples to Rome—it was of no consequence which—their lordships would find this singular evidence:

'Does your ladyship recollect, upon the former part of the journey, Pergami coming up to the window of the carriage and addressing her royal highness, saying, '*a boire, Madame?*' I perfectly recollect his coming up to the window of the carriage, but it was after he was called. We had provisions in the carriage, and her royal highness gave him some of the provisions out of the carriage, and something to drink.

'Has your ladyship a distinct recollection that it was after he was called? I think it certainly was after he was called.

'Is there any circumstance that enables your ladyship to pronounce with certainty as to that? No, but merely because it was more

natural that he should not come till he was called to have some provisions given to him.'

"Was that he would ask their lordships, a reason? It undoubtedly was natural that it should be so: but did she deny the fact? Did she venture to deny that he came to the carriage before he was called? He said, without meaning offence to that lady, that throughout the whole of her evidence there would be found a tenderness in speaking positively as to facts that were against her majesty. But she did admit that a bottle was handed to this man from the carriage, though she could not say whether the bottle was returned or thrown away. Was not this a familiarity on the part of a courier? Did Carlo Forti, or Sacchi, or any other servant, venture to use such a freedom? Pergami did though; and it was in consequence of this illicit familiarity which existed between them that he so presumed. He went to the carriage, and a bottle was handed out to him without a glass. Was that conduct on the part of a servant that would have been endured by a mistress if there had not existed an illicit intercourse? He submitted that this fact, drawn from an unwilling witness, spoke more than any fact brought forward in support of the bill. Lady C. Lindsay was the main prop and stay of this part of the defence. She was the only English lady, the only lady called in this case, where the evidence of females was of so much importance. She had been called, and she had unwillingly admitted this fact, though she was the person brought forward to support the dignity of her majesty during her residence in Italy.

"Having proceeded to Genoa, mark what took place there. His learned friends said that nothing was more natural or meritorious than that a man who had risen to favour by his own merit should endeavour to introduce about her majesty his own relatives and friends. But at Genoa, when Pergami was a courier, and not admitted to her majesty's society but by stealth—when there was no vacancy in her majesty's establishment—yet mark what took place. The child, the mother, and the sister, were introduced without any reason being assigned for it; and the brother was made a page; and mark the period at which that was done. It was not after Pergami had distinguished himself by his merits. It was not after he had distinguished himself on the occasion of the attack on her majesty's house at Naples: though the person who had distinguished himself most on that occasion, Theodore Majocchi had been much slandered. [This observation excited an emotion in some parts of the house, which was checked by cries of 'Order, order,' from the woolsack and the

ministerial benches.] He repeated that Theodore Majocchi was the person who had distinguished himself most on that occasion: but here their lordships' saw, that, before Pergami's merits were discovered, four of his relatives were introduced into her majesty's house. Before he quitted Genoa he begged leave to call their lordships' attention to the evidence given by Demont. It had been observed by Demont, that the princess's bed, at Genoa, had not been slept in, and she was asked

'At Genoa where was the bed-room occupied by you? By the side of that of her royal highness.

'Was the door between the room occupied by you and the bed-room of her royal highness open at night, or how? The princess always locked it every night when I went away.'

"In answer whether it was shut with a key or not, she said, 'Her royal highness turned the key inside.'

'Was the bed-room of Pergami on the opposite side? It was.

'In the morning who let you in the princess's room? The princess herself called me from my room.

'Did you observe the bed of the princess, whether it had been slept in or not? Most often *(plus souvent)* it had not been slept in.'

"Demont and Majocchi both proved, besides, that at Genoa the Princess and Pergami breakfasted together in the cabinet. It had been said triumphantly on the other side, and the assertion had been repeated over and over again by his learned friends, that every fact which they ought to contradict, or which admitted of contradiction, had been contradicted. But unfortunately, at Genoa, one witness had exposed himself to most easy contradiction if he had stated what was not true. Majocchi stated that Camera and Louis Pergami waited at table when the princess and Pergami breakfasted together at Genoa and other places; and, Demont deposed as follows:

'Do you know who waited at breakfast? Louis Pergami and Theodore Majocchi.

'What relation is Louis Pergami to Bartholomew Pergami? Brother to Mr. Pergami.'

"On another occasion Majocchi stated, as to the breakfasting, that Louis Pergami also waited:

'Did you wait upon them at breakfast? Sometimes I did, sometimes I did not.

'When you did not, who did wait? Either Louis Pergami or a man of the name of Camera?

"Now, he submitted that these were facts which might have been contradicted if they were not true; and although they had been told that every fact had been contradicted which was capable of contradiction, yet here was one that could have been contradicted. Camera and Louis Pergami

being both still in her majesty's service. He begged their lordships to mark the difference between evidence that might be contradicted by persons still in her majesty's service and evidence of a different description. Two concurrent witnesses might perhaps be in a conspiracy to give false testimony, and could not be contradicted: but when the fact was sworn to have taken place in the presence of another person who might be produced, then, he said, the evidence was confirmed by the absence of that person. If that other person were called and contradicted the fact, then not only that circumstance was negatived, but the other parts of the same witness's testimony were discredited. Yet here, while the queen was anxious to call every person who could clear away the charges, his learned friends, who no doubt had exercised a sound discretion, declined to call Louis Pergami or Camera. Thus then, it was sworn that her majesty, removed from the sight of her other attendants, was seen breakfasting alone with this courier, who had not yet distinguished himself in her service. From Genoa her majesty proceeded to Milan, and there she was left at last without any English female attendant. Lady C. Lindsay, Lady C. Campbell, and Lady E. Forbes, had all left her, and she had no female of distinction about her.

"Within two days after the departure of Lady C. Campbell the Countess of Oldi was introduced as her maid of honour. Who was she? what were her qualifications for that office? No information had been given on these points. But she was the sister of Pergami; and when this man had already been distinguished by so many marks of her majesty's favour, was there any thing discreditable in introducing this female into her service? If not, why disguise it? why conceal it from the family? Dr. Holland was present, and was any thing more natural than that her majesty should have said to him, 'I have been left by all my English female attendants; I am without a person of rank, and I want a companion: but I am not really able to procure another English lady at present; I know not any Italian lady of rank; I have applied to Mrs. Falconet, who declines entering my service, and therefore I have taken the Countess of Oldi: she is well educated, and has moved in the higher sphere of society; but I must tell you, at the same time, that she is the sister of Pergami, the courier; I feel awkward at her sitting at my table, but I have been obliged to apply to her; here she is, I introduce her to you?' But it appeared that Dr. Holland left Milan, and knew nothing of her. What kind of Italian she spoke, their lordships had heard, and French it did not appear that she could speak at all. Her royal highness, though, spoke nothing

but French. Thus, then, this companion was taken for the sake of society, with whom her royal highness could keep up no intercourse whatever. He submitted that this was a strong presumption of what was taking place.

"Had her royal highness, he asked, ever stated to Dr. Holland who the Countess of Oldi was? Nay, when Lord Guilford was dining with her majesty, the Countess of Oldi was not introduced. Her majesty never said—'Here's Mr. Pergami, my chamberlain, and this is the Countess Oldi, his sister.' Why this concealment? He submitted that this circumstance spoke more than any thing else to show that an illicit intercourse existed; and in consequence of it, the sister of Pergami was chosen, who was not likely to mark with a scrutinizing eye what was passing between them. No, it was not fit that any English lady, or that any Italian lady of distinction, should be about her majesty then; it was necessary that the sister of Pergami should be introduced as maid of honour, though, at the same time, his other sister and his mother were not introduced to her majesty's table. No, Pergami was to suffer the mortification—for a mortification it must have been—to see his mother in the house, and not seated at the same table with himself.

"Before he quitted this part of the case, he would call their lordships' attention to a fact which, in order of time, came in here, and which had not even received a comment, far less an answer, from the other side. The fact he alluded to was stated to have taken place at Venice, by a witness whose testimony was not impeached, and whose character was not even attempted to be shaken. But his learned friends had passed over all that occurred from quitting Genoa till the embarkation on board the polacre at Sicily. His learned friends said, 'We think it not worth noticing;' and, undoubtedly, they were right not to make any remark on it. Bianchi stated that a gold chain was purchased by her majesty, and so on, as follows:

'Did the princess purchase any thing from the jeweller?—She bought a Venetian chain; a chain made at Venice, which is called a manina of gold.

'Was that during dinner-time, or before or after dinner? The jeweller came at the end of our dinner, when all the company were getting up from dinner.'

"He would pause here, to observe the particular time at which this occurred. Some of the company who were present had been called, among them Dr. Holland and Hownam; but not a question had been put on the subject of this chain by his learned friends. Here then was a fact resting on the evidence of a witness, on whose character there had not

even been an attempt to throw any imputation. He was entitled then to say, that Bianchi's evidence was true, for no contradiction had been offered to the evidence, to the facts, which that witness had stated. Could their lordships rely on any testimony better than that of this uncontradicted, unimpeached witness? Vassali had been at Venice, and had brought over from thence some of the witnesses that had been brought before their lordships; but he had been able to get none to contradict this fact; it stood unimpeached.

"The learned counsel read the following evidence:

'Did you see the princess and Pergami together after the rest of the company had left the room on that day? I did.

'What passed between them when you saw them together? She after having got up, took the chain from her own neck, and put it round the neck of the courier; the courier afterwards took it off from his own neck and put it round her neck; and then he took her by the hand, and accompanied her into the room where they went to drink coffee.

'Did they go out of the room together? Yes, together: but Pergami afterwards left the room to go to dinner.

'After the chain had been put the second time upon the princess's neck, did they go immediately, or did they stop a little longer in the room? They went immediately.'

"And yet they were told that no improper familiarity took place between her majesty and Pergami. Perhaps he was forestalling what belonged more properly to another part of the case; but he would remark at present, that, in the presence of Dr. Holland, Lady C. Lindsay, Sir Wm. Gell, and others of her suite, her majesty would no doubt be guarded in her conduct towards Pergami. But, after the hint which had been given to her majesty by Mr. Craven, was it wonderful that these persons should have seen nothing improper? But this important fact at Venice, he maintained, stood uncontradicted, and confirmed by the want of contradiction. In course of that tour, when Dr. Holland had quitted her royal highness, and no English person remained in her service but Mr. Hownam, who had been patronised by her, who had been promoted by her, and who had been under great obligations to her—in course of this journey Demont stated that, at Bellinzona, Pergami, who had travelled with Hieronymus as courier, sat at table with her royal highness. Mr. Hownam confirmed all this: though his memory was so frail on many points, he recollected that Pergami then sat at table with her royal highness.

'In the course of that tour, did not Pergami dine with her royal highness at Bellinzona? He dined with her royal highness: I think it was at Bellinzona.

'Was not Pergami at the time dressed as a courier? He was.

'Did he after that time occasionally dine with her in his courier's dress? Never afterwards in his courier's dress.'

"Yet, to the question but one after this, Mr. Hownam replied—

'I think he did dine with her royal highness at Lugano. That was on the return from the journey to Mount St. Gothard.'

"Here, then, their lordships found it proved, that her royal highness dined with Pergami on that journey. His learned friends had felt that some explanation was required of this fact, and they had supposed that there might be no other accommodation in this place, and that, therefore, her royal highness, with the civility and condescension which marked her character, had permitted Pergami to sit at her table. But, unfortunately for this supposition, it appeared that her tried and faithful servant, Hieronymus, did not sit at table; her *fille de chambre*, Demont, did not sit at table. Pergami alone was admitted to the table; he was the only servant who had ever been admitted to her table, and he was admitted at the time when he was a menial servant, and in the dress of a menial servant. He thought he had heard the question asked, whether Pergami had been in livery, or dressed like an hussar? as if the mere dress were of consequence, whether it was adorned with gold lace, and red turned up, or whether it was an ordinary dress. Did the dress make any difference? No; the important circumstance was, that a menial servant sat at her royal highness's table, who at other times lived with menial servants, and who alone, of all the servants, had been admitted to her table. The suggestion of a difference in dress, when urged by persons of understanding and acuteness, only showed the importance of the main fact here proved, and which could not be explained. Hieronymus had been exactly in the same situation; yet he had not been admitted to table. His learned friend, Mr. Denman, or Dr. Lushington, he did not recollect which, had said, that, at Genoa, Pergami naturally became *maitre d'hotel*, in the place of Sicard. But they had forgotten, when they said so, the evidence of their own witness, who represented Hieronymus to have been then *maitre d'hotel*. He had filled a situation superior to Pergami's, and it was natural that he should become *maitre d'hotel* on the retirement of Sicard. Therefore all the superstructure of his learned friends fell to the ground by their own witness, Mr. Hownam, who stated that Hieronymus filled the situation of Sicard; yet he was not admitted to the table, and Pergami was.

"Mr. Hownam, although his recollections were so indistinct that he could not tell whether any theatrical exhibitions were made at the Villa d'Este before the long voyage, thought that Mr. Burrell was present at such exhibitions at Villa Villani.

He (the Attorney-General) could hardly believe it; he could hardly believe that any English gentleman could have attended those amusements, when her royal highness showed that remarkable condescension, that extraordinary kindness, that remarkable familiarity. Her royal highness did not indulge in those amusements when Lady Charlotte Lindsay was with her; no, it was at the Villa d'Este, when all her English suite had quitted her but Mr. Hownam—it was there she lowered herself with the Pergamis, that she indulged in familiarities which marked the growing passion of her royal highness, and which did not become her rank; and that she showed, what made particularly for the present case, an increasing familiarity with Pergami.

"He called the attention of their lordships particularly to the evidence of Lord Guilford, as most important evidence for the bill. It had been said that Lord Guilford, Lady Charlotte Lindsay, Sir William Gell, Mr. Keppel Craven, Mr. Mills, English witnesses, had deposed so as to set at nought all that was said against the queen. It had reached his ears—'Oh, if they go on so, they will destroy all that has been said against her, and the bill must be lost.' This was what was said, because they were English witnesses, and because they saw nothing improper with their own eyes. But their lordships would find that those witnesses did let out, not only what confirmed the evidence for the bill, but what alone would have proved the case against the queen. Lord Guilford stated that he saw Pergami waiting at table at Naples, and that in the November following, four or five months afterwards, he visited her royal highness at the Villa d'Este, and saw, he should think to his surprise, in a boat, her royal highness, and that person whom a few months before he had seen waiting at table. Did her royal highness account to his lordship for this change? He (the Attorney-General) had already remarked, that her royal highness had not mentioned the Countess Oldi as the sister of Pergami; he now asked whether her royal highness explained to Lord Guilford that Pergami was then promoted, in consequence of his services at Genoa—in consequence of his services against Ompteda, of whom they had heard so much—in consequence of a conspiracy discovered at the Villa d'Este, and of attempts of suborners of calumny and perjury? No, all was passed over in silence; they dined together afterwards, but no explanation was given. Could we doubt that the reports and rumours operated more on his lordship's mind in consequence of what he had thus seen? In deference to the noble lord he would make no harsh remarks on his lordship's evidence, or on his

want of recollection. He would leave that to their lordships. Could they doubt that, when his lordship discovered that Pergami was promoted—when he discovered that the Countess Oldi was his sister—could they doubt that these discoveries operated on his lordship's mind to advise his sister not to rejoin her royal highness—to say that it would not be creditable for her to do so? And their lordships knew that Lady Charlotte Lindsay acted on that advice.

"They were told that, in the cross-examination of that lady, they had violated private confidence, and inquired into facts which ought not to be inquired into. But if they had thought proper on the other side to call a witness who was to be the main stay of their case, and if he had heard of declarations made on other occasions by that witness, contrary to the object of her evidence, was he not, when truth was the object, was he not to inquire into those declarations, and would he not have been unjustified if he had not dragged them to light? Private confidence! perhaps he might show breaches of private confidence on the other side; but if communications were made to him of the nature he had alluded to, he asked whether he would have discharged his duty if, out of delicacy to the character and station of the witness, he had withheld questions which he thought important? From the rank and station of Lady Charlotte Lindsay she was thought an important witness for the queen; he owed it therefore as a duty to their lordships, but more as a duty to himself, who had to support this case at their bar—to their lordships and to himself he felt it to be his bounden duty to inquire whether, though Lady Charlotte Lindsay had not seen with her own eyes any thing improper, the impression on her mind was not such as to show whether she was a witness to be relied on? he meant as to the facts. Their lordships would recollect what the evidence of Lady Charlotte Lindsay was, as to her royal highness and Pergami walking arm in arm. They had heard the powerful eloquence of Mr. Brougham against Italian witnesses. How powerful would his eloquence have been if he had to deal with these English witnesses! The witnesses were all Italians; they were hired for immense sums; they were perjured, suborned, and well paid for falsehoods: and then he gave quotations from Cicero to embellish and and adorn his otherwise extraordinary speech. How would he have dealt with these English witnesses? Yet, if it were not a waste of time, he (the Attorney-General) would venture to produce, from the English witnesses, as many *non mi ricordos* as even Theodore Majocchi used."

The Earl of LIVERPOOL suggested that this would be a convenient time for a short pause.

The ATTORNEY-GENERAL bowed assent and was retiring, when

Mr. DENMAN requested that their lordships would wait a moment, and that the Queen's Attorney-General might be sent for, as he had a most important application to make.

BARON OMPTEDA.

Mr. BROUGHAM (who at that instant hurried up to the bar).—"My lords, I should hold myself guilty of a dereliction of duty if I delayed for one moment longer than was necessary, to communicate what has come to my hands a few moments since, when my learned friend was actually engaged, and could not be interrupted without impropriety. I have in my hand letters in the hand-writing of Ompteda, and signed '*Ompteda Ministre d'Hanovre*,' proving that he was, at the time of writing the letters, in correspondence with the household of her majesty, and attempting to seduce her majesty's servants; letting out, too, that he was endeavouring to seduce Mariette Demont. I am ready to prove the hand-writing."

The ATTORNEY-GENERAL.—"I object to that as evidence in the first place; and, in the next, to the period at which the application is made."

Mr. BROUGHAM.—"My lords, if I had remained silent for one instant after I had received such a communication, I should be totally unjustifiable. It proves that I was right in my suspicions."

Lord HOLLAND.—"They had often heard it said that Ompteda had made attempts of this nature. Now it was offered to be proved. It had been stated that the time might arrive when the conduct of Ompteda and the Milan commissioners could be inquired into, but it was not to-day. Some time or other, the period for that inquiry must arrive; but he only rose now to say, that not a moment ought to have been lost in making the communication which had just been made by the Queen's Attorney-General."

The Earl of LIVERPOOL imputed no blame whatever to the counsel at the bar; he only objected to any inquiry into the subject in the middle of the speech of the Attorney-General.

The Marquis of LANSDOWN did not mean to contend that this was the time to go into the inquiry; but he did think that the Queen's Attorney-General was bound in justice to the house, and in candour to the King's Attorney-General, if he

obtained any knowledge of the nature alluded to, to tender that knowledge to the house and to the Attorney-General for the crown, in order that, if he wished to possess it before he replied, he might possess it. He understood the Attorney-General declined to have this knowledge; but, if he declined, it would be for their lordships hereafter to take it into consideration.

The Earl of DONOUGHMORE could not have supposed that such a statement could have been made at such a time. If it were the most material and the most important discovery, he could not suppose that the counsel for the queen, without meaning any offence, would have obtruded it so on their lordships. He repressed the feeling which rose so strongly on this occasion.

The LORD CHANCELLOR said that counsel were permitted to withdraw for a short time. Upon the subject of the communication he would say nothing; and he did not sit there to give judgment upon the conduct of counsel. The communication was one thing, and the manner of making it was another thing. This was not the time for entering into the consideration of the subject.

The house then suspended proceedings for half an hour.

The ATTORNEY-GENERAL retired, and on his return resumed his speech.—"He would not," he said, "suffer his attention to be diverted from the course of observation he was pursuing, by one of the most extraordinary applications that was ever made to a court of justice—a proposition wholly unforeseen having been made by his learned friends in the very middle of his speech. In another part of the observations he intended to make he should have occasion to notice that circumstance; but he would now proceed with the line of argument which had been interrupted, when, by the indulgence of their lordships, leave was given him to retire.

"He was then coming to that period when her royal highness embarked on board the *Leviathan*, at Genoa; and, in coming to that part of the case, he could not but remind their lordships of the evidence given by Demont and Majocchi, respecting the disposition of the rooms at Genoa, at Milan, and at the various places to which she and her suite went, after her royal highness's first arrival at Naples. He called their lordships' recollection to that portion of the case, in order to show that the evidence of this fact was not contradicted by any testimony on the other side. In one instance, and in one instance only, a contradiction was attempted, as to a staircase at the Villa d'Este. Majocchi stated that there

was what he called a secret staircase, near her royal highness's room, not generally used by the family, to which a contradiction was attempted to be given by Mr. Hownam, who merely stated that it was a staircase leading to the apartments of himself and others, but which was only made use of by him. He directed their lordships' notice to this part of the case, because they would find that the same system was pursued when her royal highness went on board the *Leviathan*. Capt. Briggs had previously made a certain arrangement and disposition of the vessel, placing her royal highness and the Countess Oldi in two cabins, inside of the dining-room, and her female servant in a room adjoining that of her royal highness, and having an internal communication with her cabin. Her royal highness, however, disapproved of that arrangement. She preferred that which had been her usual practice, to have Pergami, her equerry, in the room adjoining her own, and, with that object, he was removed to the cabin previously occupied by the servant. This fact their lordships would find in the evidence of Capt. Briggs, who described the appropriation of the cabins which he had made, and stated that that disposition was altered by the command of her royal highness.

"Beyond this their lordships would recollect that it appeared, from the first examination of Capt. Briggs, that this was an alteration in which Mr. Hownam himself concurred with her royal highness; and Capt. Briggs, at a subsequent period, also spoke to part of a conversation he had held with Mr. Hownam, which that individual, when cross-examined at their lordships' bar, seemed to have quite forgotten had even taken place. Why did he remark on this alteration of the cabins so particularly? Because it was a prominent part of that system, of that habit, which pervaded the whole of her royal highness's conduct with respect to this case. What occasion was there for placing Pergami adjoining her royal highness's cabin in the *Leviathan*? Would it not have been equally safe for her royal highness to have had her female servant immediately adjoining her cabin, and Pergami at a further distance? Was there any apprehension in the mind of her royal highness as to any thing occurring on board the *Leviathan* that rendered this alteration necessary? No; but the favoured Pergami was selected on this, as on all other occasions, to occupy a room close to that occupied by her royal highness; and, though the internal communication between the two cabins was shut up, yet their lordships would find that the door of Pergami's cabin opened almost immediately opposite to the door of her royal highness's room, and afforded that facility, that easy communication, which might

be traced all along, between the sleeping apartment of her royal highness and that in which Pergami reposed. He knew that, on the cross-examination, and the examination of their lordships, a strict inquiry was made, to discover how far Pergami could find his way into the princess's room without detection. He would not make any comment on that evidence; but he thought that it would be most easy for Pergami to accomplish that purpose, if he had chosen it, without the knowledge of Captain Briggs, or of any other person on board. He knew that Captain Briggs slept in the dining-room, in a part that was boarded off. But he had stated, that, though he was liable to be awaked at night by individuals coming down for orders from the quarter-deck, yet a person who wished to go to the room of her royal highness might pass by his apartment, without being observed or interrupted, and persons might pass into his room for orders without seeing Pergami. When they considered this part of the case, it was essential to recollect that the alteration affording the facility he had stated was made by the direction of her royal highness. Another point to which Captain Briggs deposed was her royal highness being in the habit of taking Pergami's arm while walking the deck, which afforded additional proof of the familiarity that subsisted between them.

"Her royal highness proceeded to Palermo, and then went to Sicily; and it was very material to attend to what had occurred at the latter place. In Majocchi's evidence, and in Demont's, a statement of the familiarities, indecent familiarities, which took place between her royal highness and Pergami at Messina, would be found by their lordships. It was supposed by his learned friends that there was some variance between the testimony of Majocchi and Demont as to what took place at Messina. But there was no evidence that these two witnesses were speaking of the same period; there was no evidence that they were deposing to the same facts, or to the same expressions that were used on that occasion—expressions which no female would have used to any person more especially to a servant, unless she was in habits of the most intimate intercourse with him. Her royal highness, in speaking to Pergami, used the words '*mon cœur*,' '*mon ami*,' which no woman would have done, in addressing her servant, unless that familiarity had taken place between them which was imputed to her royal highness.

"The next important fact, and a most important one it was to which the learned gentleman would advert, took place at Catania; and proved, if true, beyond the possibility of doubt, that an adulterous intercourse had taken place there

between her royal highness and Pergami. It appeared that in consequence of some illness which Pergami suffered at Catania, a change of his sleeping-apartment took place, and he occupied a room that had been previously occupied by the Countess of Oldi. Between that room and the room occupied by her royal highness there was another sleeping-apartment, appropriated to the witness and her sister. It followed, therefore, that the communication between the princess's room, and the chamber to which Pergami was removed was that in which Demont and her sister slept. In consequence of this change the Countess of Oldi removed from the room which she had usually occupied to that in which her royal highness slept with the little Victorine. Demont stated that she heard the door of her royal highness's room open at night; but she also stated this particular fact, to which he called their lordships' especial attention, namely, that one morning, having remained in her room rather later than usual, she saw the door of the room in which Pergami reposed open, and her royal highness came out of that room in the dress which she usually wore when in bed, and the pillows on which she commonly reposed under her arm.

"They were told that Demont was a witness not worthy of credit. Much had been said by his learned friends, and many eloquent dissertations had been made on the weight and credit that ought to be given to the declarations of discarded servants; and still more had been said with respect to the letter written by Demont to her royal highness, and that which she had written to her sister. He had supposed from the line of argument which had been taken by his learned friends, that they were so satisfied in their own minds, or affected to be so satisfied, that Demont's evidence was no longer to be relied on, that they deemed it unnecessary to attempt any contradiction of it. How, then, was he astonished, when at the close of his learned friends case, notwithstanding the display of eloquence which they had bestowed on the character of this chambermaid—notwithstanding Mr. Brougham and Mr. Williams in the first instance, and Mr. Denman and Dr. Lushington afterwards, had endeavoured to show that her evidence was not to be credited in the slightest degree—after all the pains they had taken on this point, how was he astonished when he found that his learned friends, feeling, themselves, that they had failed in making that impression they wished—feeling that the ground on which they stood was so weak and untenable—called up their last witness, who was brought over at the very last moment of the case, and examined the night after her arrival, in order to contradict

Demont? Yes, a milliner from Morge, was produced to contradict Demont on a collateral fact—a fact which they had already heard from Lieut. Flynn, on whose evidence he would hereafter comment. So far did his learned friends doubt the effect of their observations on Demont's evidence, that, as their last resort, at the last moment, when their case was about to be closed, they called this milliner from Morge, that she might depose to a conversation between her and Demont, in April 1818, in order to destroy her testimony by that contradiction. If he wanted any demonstration that his learned friends felt that her evidence was not shaken by those letters, this circumstance afforded that demonstration.

"It was pitiable to think that, in an accusation brought against the Queen of England, a paltry intrigue should be introduced to overthrow the evidence of a witness. Not only was this done—not only was private confidence betrayed—but letters were actually intercepted to support the defence. What did those letters amount to? The first letter, from Rimini, contained an expression which satisfied his mind—he knew not whether it also satisfied the minds of their lordships—that Demont saw and observed the intimacy that subsisted between her royal highness and Pergami; that they lived together as man and wife; and that they acted conjointly at Pesaro. If their lordships would look at the conclusion of the letter, they would find a passage which, he could not help thinking, proved most strongly what Demont really felt with respect to the connexion, the familiarity, and the intimate intercourse that subsisted between them. The passage was this:

'I cannot sufficiently thank her royal highness and the baron for their kindness in sending Ferdinand to accompany me; he has paid me all the attention, and taken all the care of me imaginable. I know not how to acknowledge so many benefits, but I will endeavour by my future conduct to merit them, and to regain the favourable opinion which her royal highness had vouchsafed to entertain for me during the days of my happiness.'

"Here were the baron and the queen united together in the same sentence, as both concurring in this act of kindness to Demont. He must say that this accidental expression, coupling the baron with her royal highness, spoke to his mind demonstratively what had passed in the mind of Demont, and what was the result of her observation on that which had occurred in her presence. But they were told that the other letter, written to her sister, under the circumstances Demont had described, clearly marked the hypocrisy of this woman, and rendered her unworthy of belief. Looking to all the circumstances of the case, the interception of letters particu-

larly, he drew a different conclusion. When their lordships remembered that Demont's sister was still in the employ of her royal highness—when they recollected that that sister was dependent on her royal highness's bounty, and were apprized of the circumstance that letters to her were intercepted—was it not extremely necessary for Demont to take care that nothing should appear in her letters tending to show that a suspicion existed in her mind as to her royal highness's conduct?

"Demont, in her evidence, explained the motives which induced her to write these letters. She particularly observed, 'I have often had questions put to me in private conversations, and I have always avoided saying what took place in the house. This is the reason why I wrote that letter to my sister.' Did not this show that she marked the conduct of Pergami and her royal highness? But, in April, 1818, it seems she was asked by the witness from Morge as to what had passed in the house of her royal highness. She then avoided, as she declared she had always done, a detail of what she knew had occurred there. The answers she had given to those interrogatories were explained by the reasons which she had alleged at their lordships' bar, for writing those letters. Knowing that her sister still resided in the family, she took care to avoid saying any thing relative to the scenes she had witnessed in the house. Her letter from Rimini, contained nothing whatsoever hostile or contradictory to her evidence. She there complimented her royal highness's various virtues; but she complimented them because she knew that her letter would be seen by her royal highness; and she was perfectly aware that, if she adopted a different course, her sister, who had no other present means of subsistence, would be deprived of her situation.

"He must here more particularly call their lordships' attention to that part of Mademoiselle Demont's evidence, wherein she answered to the several questions which were put to her in the course of her cross-examination by his learned friends, who had tortured her with such inquiries as whether she had ever gone by the name of the Countess Columbier; and whether she bore that name on her arrival in London. Yet, after conducting that cross-examination in this manner, his learned friends had not called one witness to support that case, which it must have been their object to make out. For what purpose did they adopt that mode of cross-examination, but to elicit from Demont certain facts which might contradict her former testimony, and which they must have proposed to prove by witnesses. Now, such a case they had not proved. The sole

witness called to the bar, for the purpose of that contradiction, was the woman Martigni, who was to depose to a conversation occurring three or four years ago, between herself and Demont, but of which they had heard little or nothing till that moment. His learned friend, Mr. Williams, however, had failed to ask a single question, in the cross-examination, about Francini; and, ably as it was conducted, it had failed in its object, for no witness whatever had been called to support it. These facts, therefore, which had been deposed to by the witness called in support of the bill, derived a still stronger confirmation from the circumstance of no evidence having been produced on the other side against them. 'Don't let me hear of Mariette,' continued the Attorney-General. His learned friends had said, however, that they would not produce her. She was not called, and the points which she was to have disproved, therefore, remained uncontroverted. They had endeavoured to assign a reason for this omission.

"But there was another witness, at any rate, whom they might have called; a witness whose omission it was not in their power satisfactorily to account for. He meant the Countess of Oldi. Here their lordships would recollect that part of the evidence relative to the countess's being in the room, and soothing the little child Victorine, who was described to have been crying there, in the absence of her foster-mother, the princess. Surely this lady must have been able to depose to these circumstances: and why then was not she produced? For the best of all possible reasons she was not brought forward, because she would have confirmed the fact; because she could not contradict it. She would have confirmed it, and then the whole defence as upon this part of the case must have failed. He trusted that he had now satisfied their lordships entirely as to the testimony of Demont, let them examine and sift it as far as possible; but he entreated them not to run away with that letter which she had written to the queen, as destroying her credit. His learned friends did not think it had done so; they had attempted to effect the same purpose by other means, and they had failed. The most that Demont said in that part of her evidence was, that she did not recollect whether her sister was there or not. Indeed the amount of her deposition was this—that she rather thought her sister was there. He referred to the evidence:

'At the time when her royal highness came through your room in the manner you described, were you alone in that bed? I was up.

'Was any other person in the room? As far as I can recollect, my sister was in the same room with me.

'Do you recollect whether your sister was up in bed? My sister was up.

'When her royal highness first saw you in the morning, was she in the habit of saying any thing to you; how did she address you? She generally said to me 'Good morning.'

'When you saw her upon that occasion, did she say any thing either to you or your sister? She said nothing to me at all.'

"Here then was a fact upon which Demont might be contradicted by these two witnesses—the sister of Pergami, the *dame d'honneur* to the queen, and the sister of Demont, the chambermaid in her service. Strange it was, that this Countess Oldi, whom the Count Vassali was sent for the purpose of meeting and escorting down to Dover, was in this country, that Mariette was in this country, and yet, that neither of them had been produced. The princess now quitted Catania; before, however, he (the Attorney-General quitted Catania, he must beg leave to remark upon one circumstance: it was at Catania or Augusta that honours were first bestowed upon Pergami; as their lordships would recollect, he was created a Knight of Malta, and afterwards Baron de la Francina. Now in what situation Pergami previously was, it was impossible to forget. He had been taken into the service of the princess as a courier, at the stipend of fifty Napoleons a year. His learned friends had argued, and particularly Mr. Denman, that not much stress was to be laid upon this circumstance of a courier's obtaining such honours, because they might have been procured for money. But what means of that kind could Pergami possess, who was retained in the princess's service at a salary of fifty Napoleons per annum? But it would only be trifling with their lordships to detain them upon such miserable and shallow pretensions as these. These were the facts, of which his learned friends had said that they had proved nothing; he contended that they went to prove every thing.

"He had now to advert to the evidence relative to certain portraits, painted by the direction of her majesty for Pergami. There was one which represented her in the character of a Penitent Magdalen, and another in a Turkish dress. Why, it did seem to him a question that one should hardly put to a man of the most common understanding—in short, how would their lordships account for this thing? Portraits of her royal highness given to a servant, living in habits of daily intercourse and communication with his mistress! For what purpose could such a present be made to a domestic? These things would not take place, except between those who were lovers, or between whom an intercourse of another description had already taken place. These, too, were facts, which his learned friends had most ingeniously, and with great adroitness he would confess, kept out of their lordships'

view in the whole of their speeches, and throughout their defence. They had passed over this, and endeavoured to conceal the fact of their doing so, by going on to another part. (Oh said they) we will now show your lordships the real truth of the polacre scene: that her royal highness slept under a tent, and that Pergami slept under that tent too, at the same time; but, to be sure, here was nothing improper; it was absolutely impossible that any thing improper should have occurred, and so they hurried on. They did not like to stop to examine into the fact of the princess's dining with Pergami in his courier's dress: they went at once from the polacre to the Villa d'Este; and thus, by cutting out the intermediate facts, they assumed that they had established their case. They said, 'we have shown her to you, on board the polacre, an unstained and unsullied princess.' This was the way in which his learned friends had arrived at the case of the polacre, which they had advanced with so much delight. Mr. Brougham, indeed, by an accidental omission had not mentioned it. Mr. Williams acknowledged that the learned gentleman, in his eloquent speech, had forgotten to notice it, but he advanced it himself with the greatest boldness, and was followed in the same course by Mr. Denman and Dr. Lushington. When the cousel for the bill had had occasion to advert to this case, and to point out the great impropriety of the thing, they were met by Mr. Brougham, who immediately said, 'Oh, we know that: I have admitted all that before.' The Attorney-General would now observe upon what took place on her royal highness's going on board the *Clorinde*, at Messina. She had been on board that ship before, upon the voyage from Civita Vecchia to Genoa, and at that time Pergami had waited behind her chair.

"On her second embarkation at Messina, Pergami had been previously advanced however. Captain Pechell, with an honourable feeling—a feeling that he) the Attorney-General) thought reflected the greatest honour and credit upon that manly officer—said, 'I cannot submit to the degradation of admitting that man to my table who has formerly waited behind my chair,' it being clear that this was passing in his mind; 'I have seen nothing to warrant or justify it, and I will not tarnish the honour of a British officer by giving my sanction to condescensions which I see no just occasion for,' and which that gallant officer must have been unable to account for otherwise than upon some improper motive. The Attorney-General said, that what subsequently took place upon this subject equally showed what was passing in the mind of her royal highness. Mr. Brougham had said, that

the two English captains, Pechell and Briggs, were witnesses, in fact, for his case. How far Captain Briggs would be considered a witness for it, after his contradiction of Lieut. Hownam, he did not know. Captain Pechell communicated to Captain Briggs, that his sole object in wishing to provide a separate table for her royal highness's suite, and at which Pergami was to dine, was the circumstance of Pergami's having formerly waited at his own table. Now let him ask what would have been the conduct of her royal highness on this occasion, if she had been really innocent, or if Pergami was justly entitled to those honours which she had bestowed upon him. In the mind of any honourable woman, she would have said to Captain Pechell, 'he is a man of honour, I have advanced him for his merit, and you will not degrade yourself by sitting with him at my table, where I am present. He has been a faithful servant to me, and I have chosen to advance him to rank and honour, because he has been so much better a one than those by whom I have been deceived, and who have attempted to betray me.'

"In January, 1816, their lordships would remember the princess permitted Pergami to dine at her table on board the *Clorinde*. In March, 1815, he had been a menial servant waiting at the same table Such would have been the answer of the Princess of Wales; she would have said to Capt. Pechell, with a becoming feeling of resentment, 'by what you have done, you have been marking the conduct of the Princess of Wales with reprobation; I will take care to represent your conduct to your superiors.' But what was her conduct? She paused—she hesitated. She felt, as she must have done, the indignity which would be offered to her favourite Pergami, if she thus permitted him to withdraw. She felt that at that time the causes of Captain Pechell's offer were so clear, that she thought proper to decline it altogether. After two or three days' pause, she did that which marked the consciousness of guilt—she withdrew altogether from the table of Captain Pechell, and contented herself with the company of the Countess of Oldi and Demont. But this point had been altogether omitted by the opposite counsel; they, for a good reason, did not wish to call their lordships' attention to it; but he said that this fact carried the conviction to his mind of the fact of the intercourse between the princess and Pergami.

"The learned gentleman next came to the arrangements on board the polacre. In the evidence of Paturzo and in that of Gargiulo, those arrangements were particularly described. An alteration was made in them at Tunis. That alteration

was attempted to be accounted for by the circumstance of a doctor having been taken on board, from whence it became necessary to change the general arrangement of the rooms. Now mark, I pray you, my lords, (continued the learned gentleman) this circumstance. It was argued on the other side, but it was not true, that protection only was the princess's object in placing Pergami so near her. At Tunis it seemed he was brought still nearer. He had lain, before, in a cabin outside of the dining-room. But at Tunis, notwithstanding all the arguments of his learned friends about protection being the only object of the arrangement, although a sort of passage intervened between them, the beds of the princess and Pergami were placed in such a position that they might see each other in bed. Be that as it might, or whatever was the design or meaning of their being so placed, it was clear that access was thus afforded—that a facility did exist—a facility, indeed, which his learned friend, Dr. Lushington, had admitted:—'I must admit,' said he, 'that facility of access was, in effect, thus afforded; but don't draw the inference because there was the facility—don't imagine that there was, therefore, the adulterous intercourse also.' Pergami, then, could easily obtain entrance into her royal highness's cabin; and it did so happen that another entrance or door into that cabin was afterwards blocked up, so that no person might accidentally intrude upon the privacy of the princess and Pergami, after they had retired.

"What inference, then—when he said inference, he meant conclusions,—could a man draw from these facts? He could draw but one, namely, that Pergami was the man, who, all through this business, enjoyed that facility. When they slept at Tunis, and at Utica, their lordships would see that the same dispositions were made. His learned friend had said that nothing was proved against them at Zavouan: that it was only report.

'Did you see the bed of her royal highness in the morning? Yes.

'Did it appear as if one person only had slept in it, or more than one? It seemed much in disorder.

'Can you say, according to your judgment, looking at the bed, whether one or two persons had slept in it? I cannot say that two persons had slept in the bed, but it rather appeared to me that two persons had slept in it rather than one.

'Why so? I have already told you, because it seemed in great disorder.'

"He thought that this evidence proved that the fact charged did occur at Zavouan. It was proved by Demont, who, it would be observed, had sworn cautiously to it. Their lordships were to look at the evidence together, and from the gene-

ral complexion of the facts decide whether or not this case was proved.

"The learned gentleman then adverted to the occurrences at Ephesus, as detailed in the evidence of Majocchi, to which a supposed contradiction had been inferred in the evidence of Hownam. (Here the Attorney-General contrasted considerable portions of the evidence of these individuals, for the purpose of explaining, what he termed, a seeming contradiction.) There was the evidence of Lieutenant Hownam as to the *Caffe Turque*, at Ephesus; upon which the same species of contradiction had been endeavoured to be established, but the reality of which he denied. After the affair of Ephesus, he was not aware that any thing particular occurred until they arrived at Aum, after they had gone from St. Jean d'Acre to Jerusalem. Now let their lordships mark this part of the case, which was not only not contradicted, but in their argument and upon their evidence, admitted, by his learned friends. If the fact there deposed to was true, he said, it struck his mind as conclusive evidence of the princess's guilt. What was the case? They travelled by night and slept by day. Her royal highness, after the fatigues of her journey, reposed in a tent erected for her. Outside that tent was another tent, and between them two persons were constantly placed to protect the queen. They had heard a great deal of the necessity that there was of having persons to protect her; but on this occasion it should seem, that not satisfied with the protection of Majocchi and Carlino (Pergami's nephew), Pergami himself reposed under the same tent with the princess, although it must be evident that of necessity such an arrangement must have exposed her royal highness to those indelicacies which were inseparable from travelling and long journies. Good God! he had heard it said, 'Oh, but she was much fatigued; she came in and reposed on a sofa, without taking off her clothes.' Why, if she were so fatigued, as probably she was, would not a female attendant have been the best possible person to wait upon her? Would not the Countess of Oldi, or Demont, been properly selected for such a purpose? She wanted no more attendants; she had these to spare; more then were outside of the tent. But at this time of day they were to be told that no suspicion of impropriety ought to be excited. Yet had they come to this day, in the 19th century, and it was gravely argued out of doors, that impropriety and guilt were not to be inferred in such a situation, because there was a possibility that there might be no intercourse. Their lordships must repeal those bills of divorce which in so many instances they had passed. They

must send forth to the world, hereafter, this doctrine, that there is no cause of suspicion or guilt in such a circumstance; and they must proclaim to the world, that for the future, this might be done with impunity: that princesses might sleep with their menial servants under the same tent, without impropriety or guilt, because they were not undressed. Did his learned friends know, (and if they did not, he could tell them,) that in those countries it was not the custom to repose without their clothes. If they did not know it, they might learn it from the volumes of travels with which Dr. Holland had amused and delighted the world. In vol. I. p. 227, he said—'bed-chambers are not to be sought for in Greek or Turkish habitations. Their sofas are the places of repose for the higher classes, and the floors of their houses for the lower ranks * * * *; neither men nor women take off more than a small part of their dress, &c.'

"The learned gentleman proceeded to show, that it would have been as easy, and infinitely more proper, for the Countess Oldi, Demont, or Mariette, to have slept under the tent. This arrangement would not have subjected her to those indelicacies, which he need not more nearly allude to, but which must take place under such circumstances. But was the fact so? Yes, it was proved by the evidence of Majocchi and Demont. Here the learned gentleman read several extracts from the evidence. Not a single person of any description was called to contradict the princess's sleeping under the tent with Pergami, and that sleeping, let their lordships recollect, when no possible reason but one could be assigned for its occurrence. He should therefore say, that in this case there was more than sufficient to establish the charge of adultery: if there were not such proof in this case, the house had done more than injustice in admitting as proof that which they had often deemed proof in others. That fact of sleeping in the tent, if taken alone, was enough, but it became indisputably conclusive when coupled with so many other circumstances which led to the same inference. Good God! unless this was proof of adultery, how else was it to be proved?

"His learned friends had said, where was the proof of any thing but their sleeping under the same tent, as if it were nothing to talk of a man or woman sleeping under the same tent, unless they were actually proved to have slept undressed on the same bed. Was it to go forth to the females of this kingdom that such a thing could innocently take place; if so, then there was an end to all delicacy of female feeling, there was an end to the fine moral sentiment of the females of this empire. He must again repeat, that if enough to establish

the fact of adultery were not already proved in this case, then there was no hope of ever being able to establish that fact in any other.

"If, then, the Aum case stood on this ground, what could be said of the conduct on board the polacre, which, though capable, if it had not occurred, of the fullest disproof, was yet by his learned friend, left wholly uncontradicted? What were the facts? Did not her royal highness and Pergami sleep under the same tent on the deck of the polacre from Jaffa to Capodanza, and for the space of nearly two months? The reason assigned for this was, forsooth, that some horses were below; that their noise, and the heat of the weather, compelled her royal highness to repose under a tent on the deck. But his learned friend (Mr. Denman) said that this did not deserve the name of a tent, that it was only the ship's awning—a sort of covering, loosely let down over her royal highness, and easily opened by any body on deck. What said their own witness, Lieut. Flynn?—that it was fastened down to the ship's ring-bolt, on the deck. Majocchi, Gargiulo, and Paturzo, all prove how the tent stood; they prove all the particulars, not one of which stands contradicted by a tittle of evidence. So closely were his learned friends pressed, that when they found it was in vain to contradict this fact, they were compelled to attack the testimony of the captain and mate, on account of the remuneration given to them for coming to this country to give their evidence in the case. This remuneration was not larger than that usually given to foreign witnesses; in general, these persons required for their expenses large sums, and they were in the habit of receiving them. As proof of this, he need only refer to his learned friend's own female witness from Morge, in Switzerland; she admitted that she had received 70*l.* at the outset, and had had 100*l.* deposited at her bankers', and she hinted that she expected further remuneration. The house would doubtless recollect that the captain and mate, while absent, were perhaps liable to the loss of many important advantages arising from the trade of their ship, which, if at home, they must certainly receive. Why fly to the remuneration they received, instead of contradicting their evidence, which if it could be contradicted, might have been so met at every step? They indeed proved not only the night scenes in the tent, but what was done there by day also.

"Both the captain and mate proved that while Pergami was reposing under the tent, and her majesty hanging over him, Schiavini ordered the tent to be let down; this was done in broad day, and by the order of Schiavini. Where was

Schiavini to contradict this. He was now living at Brandenburgh-house with her majesty—he had been sent over to collect witnesses. Was he too without nerves for cross-examination, as Captain Flynn and the Ladies Oldi and Marietti were said to be? Was not Schiavini to be found with nerve enough to contradict the fact, that by his order the tent had been let down, under the circumstances he had named. Surely they might have produced him; he had as yet done nothing to forfeit their confidence, he had not corresponded with Baron Ompteda about forged keys and picking locks, and the detection of private correspondence. He is the person who is charged with letting down the tent. Now, when her majesty's innocence was to be established as clear as the noon-day, where she took an attitude of challenging all inquiry; yet here was a most material and conclusive witness, were she innocent, and that witness, though on the spot, his learned friends did not venture to call, Count Vassali was indeed called to contradict the occurrence on the journey to Sinigaglia. There was confidence enough in the production of Vassali, but why not have ventured upon Schiavini, when his name was connected with so vital a fact? Why not also produce Carlino to contradict the fact that Pergami took the candle every night within the tent, and then put it out himself?

"It was ridiculous to talk of this sleeping of the princess with Pergami for five weeks under the tent, and yet to say, that because the parties were not undressed, that therefore the innocence of the princess remained clear. But what reason he would again ask for this indulgence to Pergami. Lieut. Hownam, indeed, did continue to find some reason for Pergami's sleeping under the tent; he said a seaman would have been better than a landsman to give assistance on such occasions. Schiavini, who was no seaman, he said would not do, and yet Pergami it appeared would, though there was no proof he had ever in his life been at sea before. There might have been a guard to protect the tent of her royal highness; there might have been every protection her apprehensions required for female safety; Lieut. Flynn always slept on deck, near the helm: but no, nothing would do except Pergami's sleeping under the same tent, under circumstances which put an end to the feeling of female delicacy. But Pergami slept on a sofa, which sofa was three feet distant from her royal highness's bed, and there was no proof of either of the parties being undressed, for the princess was seen early in the morning dressed, and Pergami in his gown:—'O, then,' exclaimed his learned friends, 'what proof was there of criminality in the princess's conduct?' If, he would answer, these

facts, which put an end to all sense of female delicacy, did not furnish proof, then he knew not what was proof in such a case. Lieut. Hownam's 'belief' upon the occasion was not his (the Attorney-General's) case, as his learned friends had called it; but it was an undeniable corroboration of the five witnesses whose testimony related to the same fact; it was the confirmation of the evidence of Gargiulo, Paturzo, Demont, Maioni, and another. Why not contradict these witnesses if they could be contradicted? The reason was obvious. Lieut. Hownam told too much, Lieut. Flynn broke down in his cross-examination, and they were afraid to call Schiavini, Carlini, Oldi, Hieronymus, Marietti, or the others who were all now at Brandenburgh-house. The polacre scene was established beyond all doubt; then did it not give sanction by its strong confirmation of the conduct of the parties to the other scenes in which they were represented to have participated?

"But there was one event upon which his learned friends, notwithstanding the minuteness of their details, were altogether silent, namely, the celebration on board the ship of the Saint's Day whose name Pergami bore. They said not one word of the regaling the crew on that day, nor of the shouts of 'Long live St. Bartholomew! Long live the Princess! Long live the Chevalier!' Did not this celebration of Pergami show the estimation in which Pergami was held by his royal mistress? Where was the instance of such an act towards any of the other servants, and did it not in Pergami's case show the sentiments entertained for him by the princess. All this could not have been omitted by his learned friends by accident; no, but they knew the fact could not be contradicted, nor the inference to which such a fact, coupled with the other circumstances, necessarily led.

"Then there was the bath scene. Lieut. Hownam was asked, 'Did the princess bathe on board?—Yes, she did.' The bath is also carried, not into her dining-room, but into that cabin in which she slept. Lieut. Flynn had been called to support the case, and to show that the tub could not have been placed in the cabin. It was hardly necessary to comment on the testimony of that unfortunate officer, upon whom the house would probably be of opinion that no reliance could be placed. 'Yet what inference,' exclaimed Mr. Denman, 'could be drawn from this young man's taking a paper from his pocket to assist his memory? and what did it signify, if, on cross-examination, he swore three different ways regarding the hand-writing of that paper?' In fact, Lieut. Flynn had deposed in the first instance that it was the hand-writing of

Pasconani; but, by a fortunate accident, the counsel for the bill happened to have some letters of Schiavini in their possession, and, on comparing the two, it was obvious that the paper was the hand-writing of that person. Accordingly the Solicitor-General had put it to Lieut. Flynn whether it was not so. It came like a thunderbolt upon the witness, who never dreamt that the fact would be discovered. Yet this, Mr. Denman had contended, was a matter of no importance, forgetting the eloquent conclusion of Mr. Brougham's speech, which must be well remembered by the house, in which he beautifully dilated on the accidental detection of guilt and perjury by trifling circumstances, referring even to Holy Writ in proof of his theory. However, to Lieut. Flynn this argument was not to apply; but still it was an accidental detection, and on account of it the queen's counsel were afraid to produce any other witnesses.

"What fell from Mr. Brougham had reference to the statement of Sacchi regarding the tumult at Dover, a fact much more immaterial than the hand-writing of Schiavini; yet upon that fact the whole evidence, the whole of Sacchi, was to be destroyed. Lieut. Flynn, however, was a witness on the other side, and accordingly he was an English sailor, and a British Lieutenant. He was so, and for this reason his honour ought to be as dear to him as his life; and for this reason the observation of Mr. Brougham was not to be applied to him, but to every Italian witness called in proof of the preamble. Lieut. Flynn had been asked over and over again as to the hand-writing of the paper, and he could not have entertained any doubt on the point: whether, therefore, his contradiction was wilful or by mistake, the house could give him no credence. Answers had been extorted from him by some of their lordships which showed that he deserved no reliance, particularly with regard to the situation of the binnacle, and to the light which was thrown into the tent. All that he stated on this subject was too long to be recapitulated, and it must be fresh in the recollection of the house. He (the Attorney-General) did not wish to injure his feelings more than was necessary, and would therefore only say that he had sworn most rashly.

"With regard to the light in the binnacle, he had been contradicted by Lieut. Hownam, who found the tent quite dark, and so enclosed that it could not be opened but on the inside. This was also sworn to by Gargiulo and Paturzo, who stated that it was shut by Pergami in such a way as to prevent all observation.

"If the fact, that Pergami and the princess were in the

tent, wanted confirmation, it was amply supplied by the proof, that off the coast of Candia, when the waves came over the tent, the princess was conducted from it below by Pergami. Mr. Hownam, indeed, said that it was Lieut. Flynn; but this was incredible, because in the gale his attention would necessarily be directed to the management of the ship. It was, therefore, to be concluded, with the witnesses for the bill, that Pergami and the princess descended the ladder together. To return to the bath—if Demont and Majocchi were believed, the princess took the bath below; but this point was quite immaterial, the main fact being that Pergami was present at the time, and whether in the dining or sleeping cabin made no difference. He knew not whether any woman would have endured the sight of any man on such an occasion; but sure he was she would endure the sight of no man by whom her last favours had not been enjoyed. No woman of feeling or delicacy would have permitted it; but it was certain that Pergami was present when the princess took the bath. The circumstances were too gross to be detailed; and, supposing it to be true, it proved the whole case. If it were false, it might have been contradicted by the Countess Oldi and Mariette; but they had not been called, and the fact rested on the concurrent testimony of Gargiulo, Paturzo, Demont and Majocchi. The only witness who made it doubtful whether it took place in the dining-cabin was Lieut. Hownam, but he only stated his opinion.

"While upon this part of the case, so confirmed and strengthened, he wished to direct the attention of the house to the circumstances attending Majocchi's evidence. He had heard with some surprise that Majocchi and Demont were not to be credited. The position was, that Majocchi, to certain questions, had replied that he did not recollect particular facts; but, if this rule were applied to the testimony against the bill, it might be said of almost every witness that had been called. It would be remembered that Majocchi was examined once, and that he was called up a second time on the receipt of certain information, which so opportunely and unexpectedly had arrived in the hands of the queen's counsel during all stages of the proceeding. It was some intelligence from Gloucester, not obtained, however, until Gargiulo and Paturzo had been examined: then the case pressed, and the other side felt it necessary to make a diversion. Signor *Non mi Ricordo* was, therefore, brought up to have his testimony destroyed, and the house was amused, hour after hour, regarding his visit to Gloucester, Majocchi's journey in a stage-coach, and conversation with this man and

the other. His memory was *tortured* on the subject; for, though Mr. Brougham had applied that word to the cross-examination of the Solicitor-General, it was equally applicable to his own. He supposed the other side would not confess this: they would say that it was quite a pleasure to be cross-examined by Mr. Brougham, and that the witnesses felt nothing but delight while they were in his hands. Majocchi did not seem to be of this opinion: for, when he was recalled to the bar, he certainly looked a little alarmed.

"A great deal had been said in the newspapers about the fatigues of Lieut. Flynn, but they were nothing compared with what Majocchi had endured. He had been four times placed at the bar; the last time when the Solicitor-General was about to sum up. It was then thought that a diversion would be convenient, and Majocchi was again produced to be cross-examined as to most important facts. The other side fancied that they had discovered that he had been at Carlton-house, and they questioned him as to his knowledge of Cavazzi, and others, for whom summonses were issued; and, in addition, various letters were produced. One supposed inconsistency was, that, though Majocchi had sworn he could not write, he had kept a memorandum-book; but Mr. Brougham afterwards, with his wonted candour, admitted that the mistake arose from an error of the interpreter. The contradiction regarding which Majocchi was called a fourth time related to the evidence of Carrington—a witness of spotless purity, perfect integrity, and entire veracity. He was to show some inconsistency in the evidence of poor *Non mi Ricordo*—a name that had been given to Majocchi by a certain degree of artifice and ingenuity on the part of Mr. Brougham, who took care to put such questions as should receive that answer; though the house would not forget that the queen's accomplished witness, Omati, had been specially instructed not to use that phrase. But what had become of Mrs. Hughes, whom Majocchi was so desirous of marrying? What had become of Johnstone, Mrs. Adams, and Cavazzi, the *valet de place*, who had shown Majocchi London, and who were all summoned as if they were to be most important witnesses? Nay, some of them had had an inspection of Majocchi, to identify him: Mr. Johnstone had seen him, but, unluckily, he had not been brought forward to disprove what had been sworn. His learned friends felt the value of his testimony, and they thought they could divert the public attention from what *Non mi Ricordo* had sworn, though they well knew that his evidence must be hereafter tried by another test, whether he could or could not be contradicted.

"The last time Majocchi was compelled to appear was with reference to the assertion of Carrington, that man of perfect honesty and character, and who, according to Mr. Denman, was 'born a gentleman.' If, however, the other side could point out any such contradictions in the testimony of *Non mi Ricordo* as he (the Attorney-General could show in the evidence of Carrington,) he would consent to resign Majocchi to his fate. He defied them to do it; but he would undertake to prove such contradictions and evasions on the part of Carrington as must satisfy every man that he was not to be believed. The main fact to which he was to depose was, that at Ruccanelli, in 1816, in the servants' hall, Majocchi began to talk about Baron Ompteda, and that on the following day he made an oration on the same subject. There was a trifling circumstance which still deserved attention in the evidence of Carrington, and it was this—he swore that Ruccanelli was only four miles, or about an hour's journey up hill, from Rome, and that it was nearer Rome than Frescati. Carlo Forti, another accomplished witness on the same side, said that it was 12 miles from Rome, and that Frescati was farther than Ruccanelli. The part of Carrington's examination to which he particularly alluded related to his service on board the *Poictiers,* under Sir John Beresford.

"The questions were put to bring facts to his recollection, not like Mr. Brougham's, to produce *Non mi ricordo* for the answer, and when Carrington did not at all expect that any contradiction to him could be given, and for some reason or other he disguised the truth.

"But he appealed to the house, whether it was possible that such a conversation could have been forgotten by the witness during his first examination? When he called the notice of the house to the testimony of Sir J. Beresford, it would be seen that what Carrington stated was false, and that he left the navy, because he desired to be taken into the service of Sir Wm. Gell, and that he had been transferred to the *Thisbe* that he might get his discharge. Other contradictions would also be obvious. Sir J. Beresford had been called at the instance of a noble lord, though it was a thing not very usual. [Earl Grey here intimated his dissent.] It might be right to do so, but he (the Attorney-General) had never heard of an instance where one witness was called in this manner to support the character and consistency of another. It would have been considered strange, at least, if he, on his side, had thought fit to suggest such a mode of proceeding."

It was here ordered that counsel should withdraw; and

Earl Grey said, a noble lord opposite had put certain

questions to Carrington, explanatory of his previous evidence, and in the course of the answers the witness had mentioned Sir J. Beresford as the person from whom he had obtained his discharge. In order fully to sift and examine the situation in which Carrington stood, he (Earl Grey) had thought it right and just that the evidence of Sir J. Beresford should be obtained. He had no desire either to support or contradict the witness: his object was simply to investigate the truth, and, in the execution of his duty as a peer, he had moved that Sir J. Beresford be called. He had now deemed it necessary to say thus much, because when a counsel at the bar permitted himself to say that an unusual thing had been done, he could not hear the statement, imputing to him an improper motive, without doing himself justice by appealing to their lordships, and contradicting an assertion which was totally groundless. (Cheers.)

Counsel were then recalled.

The Attorney-General continued. "He was stating that Sir J. Beresford had been undoubtedly called to elucidate the truth, but that, under such circumstances, it was not usual for one witness to be called to confirm another. Though he was not entitled to know what had just passed, he must say, in justice to himself, that he meant to cast no imputation upon the noble lord. For one, he sincerely rejoiced that the course had been pursued, because it had elicited the truth, and showed that Carrington had stated what was untrue. He would now call the recollection of the house to what Sir J. Beresford had sworn.

"It appeared that he directedly and pointedly contradicted Carrington as to any conversation on board the *Poictiers*, independently of which the man had expressly contradicted himself. Was he, then, a fit person to destroy the evidence of Majocchi, by deposing to certain expressions by Baron Ompteda, which really had nothing to do with the merits of the case? Carrington was the only person called to prove those expressions, although he had sworn that Francisco, a Genoese servant of Lieut. Hownam, was also present, and who, it appeared, was in this country, and within the reach of the other side. Balancing all the circumstances, therefore, it appeared that the preponderance was infinitely in favour of Majocchi."

The Lord Chancellor asked whether the Attorney-General had finished this point, as it was now four o'clock?

The Attorney-General answered in the affirmative, and the house then adjourned.

FORTY-FOURTH DAY,—SATURDAY, OCTOBER 28.

Mr. ATTORNEY-GENERAL resumed his reply to the defence. "He had, (he observed) at the close of his address on yesterday, brought down the evidence to the end of what was called the long voyage. Their lordships would recollect the order which her royal highness had, in the course of that pilgrimage, conferred on some of her suite. The institution of that order had certainly been made the subject of great pleasantry and ridicule by his learned friends, but on very erroneous grounds. They seemed to imagine, that because the circumstance was described or referred to in the preamble of the bill, as if it were made a substantive charge, whereas it was only introduced as one of those occurrences on which he founded the conclusion to which the whole of her majesty's conduct led,—that an adulterous intercourse had subsisted nearly the whole time of her absence from England. However much his learned friend, Mr. Brougham, might have made the diploma the subject of ridicule, he doubted not that their lordships would find in it matter for grave observation. It was not the simple institution of the order, however, from which any thing was to be inferred: but the ground on which importance had been attached to it was, that that Pergami, the favoured Pergami, was here, as on every other occasion, the distinguished individual. It was instituted, according to the terms of the diploma, 'as a reward to the faithful knights who had had the honour of accompanying her royal highness in her pilgrimage to the Holy Land.' But what a pilgrimage was this! and what was the motive of the journey? Their lordships would recollect what had been proved by Demont, and to which no contradiction was given, relative to her majesty's attention to religious duties. This pilgrimage to the Holy Land might seem to have its foundation in religious ideas: but it had been proved by Demont, that, during the whole time that she was in the household of the Princess of Wales, from the moment her royal highness set out from Genoa, even at the period when she was on the threshold of becoming queen, that the celebration of divine service, according to the Protestant faith, was omitted. Their lordships would find, however, that, consistently with the other effects of the infatuated passion which governed her royal highness, she accompanied that man on whom she bestowed so many marks of favour to places of worship which were conformable to his belief: but she neglected, and suffered to be neglected in her family, the worship of the established religion of this country, which, in her situation and rank, it was her duty, her

imperative duty, to see regularly performed. But who was placed at the head of the order of St. Caroline, as grand master? Pergami: and, in the diploma, that man is, for the first time, styled colonel, though he had never held any rank in the French army beyond that of quarter-master, which is only equal to that of sergeant in the British service. He is, however, made grand master of this order, and, ridiculous as the thing may be, this dignity is, by the diploma, to continue hereditary in his family, and to descend from generation to generation for ever.

"It is certainly worthy of observation, that this is the occasion on which he for the first time assumed the title of colonel, which title was conferred by her royal highness, for he had never obtained it by military service. He is also styled in the diploma Baron Francina, Knight of Malta, and Grand Cross of the Holy Sepulchre, and with these titles Pergami countersigns his own diploma. This, therefore, is introduced into the charge as one of the facts which prove a criminal familiarity. He would ask why was this man so distinguished above Capt. Flynn, Lieut. Hownam, and all her majesty's other attendants? Had he done more to merit this distinction than the rest of her suite?—O yes? He was her protector during her pilgrimage, under the tent at Aube, and under the tent on the voyage from Jaffa to Capo D'Ansa. This was the real state of that point of the case, and, without further comment, he left it to their lordships' consideration. He would pass over some other evidences of familiarity. After the long voyage the Princess of Wales returned to the Villa d'Este, on the Lake of Como. There alterations were made which had no other object than to facilitate the adulterous intercourse, by making an easy communication between the bed-rooms of Pergami and her royal highness. This appeared from Majocchi's evidence, and Demont's. The other side felt the importance of this fact, and well knew how necessary it was to counteract it. Accordingly, his learned friend, Mr. Williams, opened that he should be able to show, that in what had been done no such object was in view; that the alteration was made in consequence of her royal highness's apartment being liable to smoke, and not for the purpose of shortening the access to it. His learned friends had had the architect, different workmen, and servants, at the bar, and therefore had the means of proving the fact, if it was true; but not a question on the subject was asked. Although they stated, in the opening of their case, that they would contradict the object assigned for the alterations, they had failed to contradict it. What, then, was he to infer from their failure, but that they

found their witnesses would not come up to the mark when brought before that house. The case, with respect to this point, therefore, stands as it did on the evidence of Demont and Majocchi.

"The learned gentleman would not detain their lordships longer at present with any occurrences at Villa d'Este, but there were circumstances proved to have taken place after the long voyage, which, if not true, might be contradicted by many witnesses. For instance, the circumstance that occurred at the inn at Bellinzona—the place between Milan and the Villa. Galli states that the princess and her suite came to the inn and dined; that compliments passed between her royal highness and Pergami; that they helped each other to delicate morsels; and that, finally, when the company went away, Pergami got up and gave her royal highness a kiss, the waiter having been previously ordered to go down stairs. Now, without speaking of the kiss, which none saw but the waiter, there were other facts sworn, against which, evidence might have been called. The suite consisted entirely of Italians, and most of the Pergami family, and they might have been called to contradict what was said to have occurred at dinner. But his learned friends had not ventured to impugn this waiter's character, notwithstanding the time and opportunity which had been afforded for that purpose. No attempt had been made to show that he was not a credible witness, and, in every thing he had said, worthy of belief. And here he could not help observing that, respecting general character, notwithstanding the bitter invectives uttered against the witnesses for the prosecution, and notwithstanding the bold accusations of perjury, not one person of respectability had been produced to throw any doubt on the character of the witnesses in support of the bill: no attempt had been made to show that the witnesses for the bill were not in every way fully as respectable as those of the other side. Then this scene at the inn was proved by a credible witness, one against whom no contradiction had been offered; and if the fact was proved, it established the case; for one fact of this kind showed to demonstration that the conclusion drawn as to familiarity was well founded. And now on this charge of familiarity their lordships would permit him to refer to an admission which had been made by his learned friend, Mr. Brougham, with respect to what occurred on board the polacre. His learned friend had said, speaking of the fact sworn to by Gargiulo and Paturzo, of her royal highness sitting on a gun with her arms round the neck of Pergami, that it was such a fact that if it was proved would leave

nothing to the imagination but the gratification of the last purposes of desire. Then he would say that this act in the same manner left only one conclusion to be drawn. The scene on board the polacre had been proved by two witnesses, and, like the scene at Terracina, proved by one witness, remained uncontradicted.

"He now came to that part of the evidence which related to what was called the tour in Germany. With respect to this topic their lordships would recollect that his learned friend, Mr. Williams, in his opening, had said, 'thank God, here is a triumphant case for her majesty!' Now, what was the evidence on this subject? Demont had stated, that upon her majesty's arrival at Scharnitz, her journey was delayed. She arrived about mid-day, and was obliged to remain there the following night and morning. Demont stated, that she retired to rest in her majesty's room at night, and that Pergami, who had gone for passports, returned in the middle of the night. Upon his return he came into her royal highness's room; Demont was then ordered to leave the room, and Pergami, who was then left alone with her royal highness, continued in the room until morning. Now, what had his learned friend, Mr. Brougham, said to this part of the case? He said he would show that the moment the passports were received the whole suite got up, and that within an hour and a half her majesty was in her carriage and the journey resumed; and that that hour and a half was occupied in packing up the baggage, paying the bills, and making other preparations for the journey. This was what was asserted in the opening; but how stood the case? His learned friends had three witnesses to contradict Demont on this point, if she spoke falsely, but two only had been produced, Mr. Hownam and Vassali; the third witness, the Countess of Oldi, was for some reason withheld. He must say that he thought Vassali's evidence the most extraordinary he had ever met with. Both he and Hownam swore that the baggage was packed up, that it never had been unpacked, and that all the preparations for resuming the journey, made out of doors, consisted in clearing away the snow. Vassali states that, after his return from Inspruck, he went into her majesty's room. He does not venture to swear that she was not undressed; but he says that she was covered with shawls or something like that.

"Demont, it would be found, did not state whether she was dressed or undressed; and their lordships, upon examination, would see that the two statements differed very little. He came now to that part of the evidence which related to their setting off. It was, after a good deal of shuffling,

extorted from the witnesses that they did not set out till broad day-light. Did not this, then, correspond with what Demont had sworn? Vassali when asked on his cross-examination how he had employed himself after his return from Inspruck until their departure, mentioned his going backward and forward to her royal highness's room, but said nothing to account for his going there so often. He was then asked, whether he, who had that day travelled from Scharnitz to Inspruck, had not taken rest from half-past two, when he returned, till the party set out. To this he said, that he had been an officer, that a man who had been accustomed to campaigns thought little of such things, and that he felt no fatigue. According to his account, therefore, he remained, after this journey, from half-past two until day-light, without taking any rest. It was true that he said he carried her royal highness something to eat, but that was between five and six o'clock in the morning. He assigned no reason for this conduct, except that it was the practice for those who attended on royal personages to be always in readiness. If this was to be called a triumph, it certainly was not such in contradiction to Demont's evidence, and he knew not were the triumph was to be found. Did it consist in Vassali moving backward and forward, like the pendulum of a clock, between her royal highness's bed-room and the passage of the inn? So much for the affair of Scharnitz.

"He now came to that of Carlsruhe, and to that he solicited their lordships' most serious attention. Barbara Kress proved, that one evening, during the princess's stay at Carlsruhe, she had, as a chambermaid, to carry water into Pergami's bed-room. The room to which the witness carried the water, No. 12, opened into the dining-room, No. 11, from which her royal highness's room, No. 10, entered; so that there was a direct communication from one bed-room to the other. It was only necessary to open the doors of Nos. 10 and 12, and cross the dining-room, to get from one bed-room into the other. This was not attempted to be denied, and through the whole case no attempt had been made to deny the proximity and situation of the bed-rooms. Vassali and Hownam had been called, and could have contradicted Barbara Kress respecting the situation of the bed-rooms; but no question on that point was put to them: he had therefore a right to infer that those witnesses had confirmed her testimony as to the rooms. What did Kress state as to what she observed in Pergami's room? She said that a broad bed was put into Pergami's room: that between seven and eight o'clock in the evening, when she was carrying in the water, she saw Pergami in bed, and the princess sitting on the side of the bed; and

that, when she entered, her royal highness had just jumped up. Their lordships would recollect the long examination which took place on the word which the witness had used, and the construction attempted to be put upon it, as if it had been possible for the witness to mean that when she entered she supposed the princess had started up. The language used by the witness had not been well understood, but he put it to their lordships whether the fair construction was not, that her royal highness got up in consequence of the interruption given by the entrance of Kress; that she saw her jump up from the bed on which she was sitting? There was no inconsistency in the witness's evidence. She stated that on her entrance she saw the Princess sitting on the bed, with the arm of Pergami round her neck. The witness could not say whether Pergami was dressed or not. She only observed that the arm which was round the princess's neck, and which he let fall, on the interruption, was white.

"The witness herself, surprised at so extraordinary a scene, immediately retired from the room. An attempt was made to contradict what Barbara Kress had deposed, by accounting for every minute of the time spent by her royal highness at Carlsruhe, and thereby to show that the account given by this witness could not be true; but the attempt had failed.

"Lieut. Hownam speaks only from general recollection. He says he does not remember the circumstance of the princess going home, but he will not undertake to say that she did not, and that she had not ample time for that purpose. Here he leaves a blank, and, in order to fill up that blank, his learned friends had called Vassali, whose recollection was certainly more particular. Their lordships would find that he recollected the precise day of their arrival at Carlsruhe, und every minute particular connected with it. It would, however, be worth their while to contrast what he swore on his examination in chief with that he afterwards swore on his cross-examination. At Carlsruhe, his memory was so accurate, that he could recollect every petty circumstance which occurred there; that he could tell the precise day on which they arrived at it; and that he could account for every minute which her royal highness spent there—and yet upon his cross-examination it failed him to such a degree, that he could not say to what place he went with her upon leaving Nuremberg, or when they arrived, or where they dined on reaching Munich: in short, his memory was most retentive with regard to every thing that occurred at Carlsruhe, but most unfortunately deficient with respect to any thing which passed elsewhere.*

* Here the Attorney-General read several pages of the evidence.

"This, then, he observed, is the second time of their dining at the Margravine's, but Mr. Hownam has sworn that they only dined there once. His memory, however, cannot, I suppose, be put in competition with that of Vassali. So then they did dine twice there.*

"Such, continued the Attorney-General, was Vassali's examination in chief, precise and definite upon every point; but, when he looked at the very contrary nature of his evidence in cross-examination, a strong suspicion was excited in his mind that he (Vassali) had been looking at the evidence of Barbara Kress, and had been refreshing his memory, in order to contradict her, for, beyond what had occurred at Carlsruhe, he positively recollected nothing at all.*

"How different is this from his memory at Carlsruhe: there he knows how every minute is spent: here he knows absolutely nothing. He is asked, 'What makes you remember so precisely where you dined every day when you were at Carlsruhe, and you cannot recollect where you dined when you were at Munich?' and he makes the memorable reply of, 'A man may remember one thing, and may not remember another, without being able to assign any cause.' He (the Attorney-General) recollected well how ingeniously this point had been argued by his learned friend Mr. Denman. He had said, that, to a man in Vassali's rank and station of life, nothing was so natural as that a great and lasting impression should be made upon his memory by a circumstance so extraordinary as that of dining with a royal personage. Allowing that to be the fact, certainly the dining with the King of Bavaria must have appeared as extraordinary to Vassali as the dining with the Grand Duke of Baden. But yet, O unfortunate memory of Vassali, it betrayed him entirely as to that circumstance! He could not tell their lordships positively where he had dined any one day at Munich: but at Carlsruhe he could tell them that on the first day her royal highness dined at the Margravine's, and supped with the Grand Duke; that on the second day she dined with the Grand Duke, and supped with the Grand Duchess; and so on with regard to her manner of passing every other day. Their lordships must, therefore, examine his testimony very closely, not only in those points where he contradicted other witnesses, but also in the general tenour of his narrative.

"What did Vassali say as to the manner in which her royal

* Here the Attorney-General read several pages of the evidence.

highness spent the second night after her arrival at Carlsruhe? —that she remained with the Grand Duchess, Pergami being ill at home in bed. But did their lordships recollect what Vassali said, that 'the inn at Carlsruhe was only a little distance from the Grand Duke's palace, about three minutes' riding in a carriage, and that the Margravine's palace was nearer to it than that of the Grand Duke.' Then he asked whether it was not only possible, but probable, that she had returned from the Grand Duke's to visit her paramour? Had Vassali proved that she had not returned? No such thing. Had Mr. Hownam proved it? No such thing. Their lordships had then the positive oath of Barbara Kress, in opposition to the loose recollection of the two witnesses Hownam and Vassali, which, in any ordinary court of justice, would be quite sufficient to prove the fact alleged against her royal highness. How, then, could their lordships have any doubt of the criminal intercourse between these two parties, when they considered this circumstance in connexion with the admission of Mr. Brougham, who had said, that if it could be proved by a credible witness, that her royal highness had sat upon Pergami's knee, it left nothing for inference except the existence of an adulterous intercourse between the parties. It was clear then, to every unprejudiced mind, that the last favours had been granted by her royal highness to Pergami at Carlsruhe; as he had shown that it had been granted at Aum, at Catania, in the polacre, and elsewhere. Besides this fact, Kress also spoke to another, to which his learned friends might have offered a contradiction, but to which they had not attempted to offer any—he meant the finding of her royal highness's cloak in Pergami's bed.

"He maintained that this charge, if it had not been true, might have been easily contradicted. Was there or was there not a jager in green? They might have produced all her royal highness's servants to prove either that there was no such servant, or that, if there was such a servant, that he had never received any such cloak. Had her royal highness such a cloak? If she had not, would not the Countess Oldi have been able to prove it, or to have determined to whom it belonged? They might have contradicted every tittle of this charge, and it was one which required contradiction much more strongly than that which Hownam and Vassali had been called to contradict. They had not dared to call the servants to show that it was her royal highness's cloak; and if it was her cloak, what inference could be drawn from it which was not conclu-

sive against her majesty? How came it into Pergami's room? How was it that her royal highness had worn it, after it had been discovered there? Had either of those circumstances been accounted for? How had they contradicted Kress? If they had not contradicted her at all upon this point, it not only proved a strong fact against her royal highness, but it proved that she could not be contradicted. Kress had also stated another, and a third fact, in the statement of which he should be very brief, on account of its disgusting and revolting nature—he meant the stains observed upon the bed.

"His learned friend, Mr. Denman, had stated that the manner in which this witness had given her testimony upon that point was such as convinced him of her falsehood. He had said that the blushes with which she had delivered it were the blushes of guilt, arising from a consciousness of the falsehoods which she was uttering, and not to blushes of modesty, arising from the disgusting details which she had to recite to their lordships. But, if their lordships were to judge of the validity of testimony by the manner in which it was given, he would maintain that this witness was entitled to the most implicit credit. Never had evidence been given in a more reluctant and unwilling manner: it was not an exaggerated statement of the facts—it was truth wrung out and extorted from her, and thus greatly enhanced the credit which was her due. He wished to remind their lordships that Kress had been cross-examined as to the town in which she was born, the places in which she had lived, the family with which she was connected, and to every other circumstance of her private history, and that she had even been asked whether she had ever frequented a disreputable place called the Glass-house. He likewise wished to remind their lordships, that his learned friends, or at least that Mr. Vizard, had sent an emissary to Carlsruhe, to procure the attendance of the Baron d'Ende. That emissary would not have done his duty if he had not, whilst at Carlsruhe, made inquiries regarding the character of Kress. If the result of such inquiries had been the discovery of any flaw in her character, would not his learned friends have called witnesses to the bar in order to impeach it? But no person had been called to throw a spot or a blemish upon it.

"And here again," continued the learned gentleman, "I have to complain of that press which gives the world reports of speeches, said to have been made at public meetings, but which, I am convinced, could never have been uttered. In those speeches the character of Kress is entirely blasted; she is asserted to have undergone a most disgraceful punish-

ment in her own country; she is represented as a woman infamous, and undeserving of the slightest credit: facts are stated against her which are totally untrue, and for no other purpose than because they are swallowed greedily by the multitude. But at your lordships' bar no attempt has been made to impeach her character; no witnesses have been called to substantiate those charges, which have been circulated by infamous means out of doors, but which have not been contradicted; and therefore, if all the other evidence was blotted out from the minutes, her evidence was sufficient to establish the adulterous intercourse. His learned friends had shown by their conduct that they felt the pressure of her evidence; for how had they endeavoured to get rid of it? Why, by introducing the correspondence between Mr. Leman and the Baron d'Ende, which, by-the-by, was not evidence. Their lordships were called upon to believe that the baron had been prevented from coming to England, not by illness, but by other reasons. His learned friends said that the Baron at first stated to their emissary that, though he held estates under the King in Hanover, he had no objection to come over to England on behalf of her majesty; but that at last, though every exertion had been made by this government to procure his personal attendance, he had refused to come on account of a fictitious illness, and a wish to gratify by his absence a feeling in a certain quarter, though his learned friends did not more fully describe what that quarter was. To speak plain the truth, he, for one, most firmly believed that his learned friends did not wish for the appearance of the Baron d'Ende, especially as his memory could not be better than the memory of Vassali, who had accounted for every minute which her royal highness had spent at Carlsruhe.

"Another topic urged in the defence was the non-production of the person named Grimm, to confirm Kress, and who, as well as that woman, had been subjected to the most unjust aspersions. Why, it appeared from Kress's evidence, that Grimm was not present at the scenes which she had witnessed, and that, therefore, he could not have confirmed her in the material part of her statements. He trusted that he had now satisfied their lordships of the credibility of Kress; and he should, therefore, dismiss her testimony with this observation—that her character was unimpeachable, that her evidence was incapable of being contradicted, and that it was open to contradiction if it were not true. Under such circumstances, what unprejudiced mind could doubt the existence of criminality on the part of her royal highness?

"At Turin a strong fact was deposed to by a witness named

Birollo, on whose testimony he should make the same remark which he had just made upon that of Barbara Kress—namely that his character had not been attacked, and that his statements remained untouched by any thing that had been urged in the course of the defence. Under such circumstances, if a witness were not to be believed, he did not know by what means any charge could be established in future. The witness was asked—

'Did you observe the state of Pergami's bed, whether it appeared to have been slept in or not? At the moment I was coming out from the room of the dame d'honneur, I saw Pergami coming out from the room of the princess, and open the curtains of his bed: I saw that it was made, and he scolded me.

'Was Pergami dressed when he came out of the princess's room, or half-dressed? No; he had a morning-gown of silk, striped; he had his drawers, his stockings, and slippers.'

"And again,

'When Pergami came out of the princess's room and scolded you, can you state what Pergami said? You scoundrel, what are you doing here? Who has opened the door? I said I had found it open, and he said, Go away.'

"Such (continued the Attorney-General) was the deposition of Birollo. There was a witness who might have been called to contradict him, but who had not been called, and that was the dame d'honneur, the Countess Oldi, to whom he was carrying some articles of dress at the time. Here then was a fact which went to the root of the case, which showed the habit which ran through the whole of it, and which, if not contradicted, destroyed the remaining spark of life which existed in her majesty's defence.

"In the progress of the case, the circumstance, on which it was next his duty to comment, was that which had occurred at Trieste, and which his learned friends had considered as the triumphant part of their case. Their lordships would remember the manner in which Cuchi had described the situation of the different rooms, and also the strict and acute cross-examination which he had undergone—first, by his learned friends, and afterwards, very properly, by their lordships themselves. They would see that his learned friends had made no attempts to contradict him upon that point: they admitted the material fact, the arrangements of the rooms, and the account of what he saw, but turned round and contradicted him on the mere fact of time—first, by producing Lieut. Hownam's letter, which, though put into the post on the 18th, might not have been written at Trieste on that day, but on another, at Venice or elsewhere—and, secondly, by Vassali's declaration, that they did not stay at Trieste more

than a day and a half. To prop up that part of their case, Mr. Brougham, with an adroitness which had distinguished him throughout the whole of this case, and which, though an unpardonable irregularity, he would call by no other name, held up in his hand to their lordships a newspaper of Trieste, and read it before he knew whether it could be received in evidence or not. He said that he did it with the intention of showing that her majesty visited and was visited by persons of rank; but the real cause of doing it was to show that the time which her majesty stayed at Trieste was not longer than the time mentioned by Vassali and Hownam. This proved to what shifts her Majesty's counsel were driven to uphold their shattered case. If the matter contained in that paper could avail her majesty, why were not persons brought from Trieste to give oral evidence to the same effect on her behalf? The truth was, no such persons could he found, and if they were, it was as an impeachment of Mr. Vizard's professional activity that he did not bring them; but no one could accuse that gentleman of a want of zeal for his royal client. The situation of the rooms, the hole in the door, and that also in the hangings which concealed it, stood undenied—his learned friends, pretending to think that the time alone was material, had so left it, not, however, without a threat to bring Cuchi to punishment for the testimony he had given. Such threats were easily thrown out, and the object of them could not be mistaken. His learned friends might, however, find that other witnesses, whether English or foreign he would not say, might have tripped over quite as much as Cuchi with regard to time, and might have interlarded their evidence with unfounded statements, quite as much as that witness was charged to have done.

"He now came to another part of the case which had produced so much comment on the part of his learned friends, and which rested on the testimony of Sacchi; and here he must confess that he felt considerable surprise at the extraordinary sarcasm which his learned friend had suffered to escape him against the conduct of counsel on his (the Attorney-General's) side of the bar—a sarcasm which was wholly undeserved, as they had never represented, as Mr. Brougham had charged them with representing, that a witness, who had served in the army of Napoleon Buonaparte, was entitled, on that account, to additional credit. 'There was a time,' said his learned friend, 'when the advocates for the bill held a language of a very different nature from that which they did at present: there was a time when they did not consider the bravery which enabled a man to win a pair of colours, the

most decisive proof of a scrupulous conscience.' His learned friend, before he had made the sarcasm, ought to have recollected that it was frequently the lot of those who indulged in sarcasm to find it recoiling upon themselves, and striking with unrelenting impartiality friends as well as foes. Was not that, he would ask, the case at present? Her royal highness had been bred and born in a country distinguished for the constant efforts which it had made to overthrow the tyrannical ruler of whom he had spoken—she had been united to a prince, who, much to his own honour and glory, had unceasingly exerted himself to repress the ruin which that despot endeavoured to hurl not only upon her native country, but also upon that with which she had connected herself by marriage. He could not, therefore, suppose her to have any just reasons for prefering the soldiers of that revolutionary chieftain. And yet he found that Pergami, the favourite Pergami, had been a soldier in his army; that Vassali, from whom it had been extracted in evidence that he was a knight of the order of the iron crown, in order to give additional weight to his testimony, had been a soldier in his army; and that the joint-chamberlain with Pergami, the General Olivieri, had also been a soldier in that selfsame army. He likewise found that her royal highness, not from any particular partiality to the enemies of her country, had deemed it consistent with her dignity, as a British princess, to personate at a masked ball, which she had given in his honour, the Genius of History, and to crown with a laurel-wreath the bust of an individual against whom her nearest relatives and friends had often fought and bled, and for whose destruction the best blood and treasure of that country, of which she was on the threshold of being queen, had been long expended, because he was the most inveterate foe of that glorious constitution which at present existed within its dominions.

"He begged leave, therefore, to tell his learned friends, that the sarcasm which they had uttered was completely misplaced, and to implore their lordships not to allow that observation to operate to the disadvantage of Sacchi which they had not allowed to operate to the disadvantage of Vassali, Olivieri, and other witnesses of her royal highness. Let their lordships carefully examine the testimony of Sacchi: let them inquire in what part it was contradicted, in what part it was unimpeached: by that inquiry let it stand or fall; but let it not be said to be contradicted either before or pending any inquiry which might be made into it. He now came to the first charge of material contradiction against Sacchi—namely, his having said that he changed his name in consequence of the

tumults at Dover. But, if their lordships would look to Sacchi's answer to the next question, they would find that he was not alluding to the tumults at Dover when he gave the reply which had been so much insisted upon.

"The learned counsel then proceeded to examine the testimony of Sacchi, and to contend that there was nothing in this writing which in the slightest degree warranted the observation of his learned friend, Mr. Denman, or justified the sort of reasoning in which he had indulged. Mr. Williams stated that he would call a witness, who had been in the carriage at the time when the alleged gross familiarity of the princess towards Pergami was asserted to have taken place, who would distinctly negative that assertion. He sincerely wished Mr. Williams had redeemed his pledge, and that such a person—and he presumed it was the Countess Oldi to whom he referred—had been produced. Their lordships, he was sure, would agree with him in thinking that such a witness could have done infinitely more than all that had been attempted to be done by Carlo Forti, who, he contended, had been himself contradicted by the evidence of Lieut. Hownam and Vassali.

"The learned gentleman proceeded to state what he considered other contradictions in the evidence as to the stoppages on the road, and the time of their arrival at Sinigaglia, and observed that, as there was a third person in the carriage of her royal highness, who, if called, might have proved the fact that Carlo Forti was the courier, and not Sacchi, he thought it impossible to say that Sacchi was contradicted. Sacchi had sworn to a fact, and Carlo Forti, he admitted, had sworn against him; but he had shown that his evidence was contradicted by that of Hownam and Vassali. Forti was asked—'How did Soliman and Polidore go upon that journey? Soliman on the box, and Polidore came a day after, for he remained at Rome:' whereas, according to Vassali, these two followed on the journey. This, then, being the only contradiction to Sacchi, letters had been produced to contradict them, and had been proved; but they had been kept back. Neither these letters, nor the third letter to Demont, nor the challenge to Ompteda, had been produced by his learned friends; and he would ask, what came of the contradiction of these witnesses when these letters, which were in the possession of his learned friends, and had been proved, were not produced? There were other witnesses who might have contradicted the witnesses for the bill, there were other servants; there was the Countess Oldi, who might have been called; but his learned friends had thought fit to close their case without

having called that witness. Then what other case had he remaining to state? That of Rastelli. Oh, fortunate case of Rastelli for the queen! His learned friends had called Lieut. Flynn, and he had been blown to atoms by his cross-examination. They had called Lieut. Hownam; but Flynn's admissions were nothing to his. They then called Mr. Granville Sharpe, and after him they made a diversion on what was said as to Rastelli; on which he begged permission to say a few words.

"Their lordships would recollect Rastelli's cross-examination as to his conduct towards witnesses, not one of whom had been called, but two other persons had been called who had not even been mentioned to him on his cross-examination: Giarolini and Pomi had been called; whose names had not been mentioned to the witness; and on their evidence a case of conspiracy had been set up. He had heard it said that the queen was subjected to a great disadvantage in consequence of the absence of Rastelli; but in his conscience he believed that his absence was a greater advantage to her than she would have derived from his presence. It was open to his learned friends to have called other witnesses on this part of the case; but they thought proper to stop with Pomi and Giarolini. In fact their ship was sinking under them when this fortunately occurred. They had called some English witnesses to speak to character, not to facts, with the exception of Sir Wm. Gell; and then they had begun to call others to speak to facts. But Mr. Hownam had frightened them from proceeding farther. Then came the whole account of this conspiracy, and of the conduct of the Milan commission. That was the moment to introduce it, when Rastelli happened to be absent. After the evidence which their lordships had heard on that subject, and which Mr. Denman had, he thought, irregularly referred to, (because it was matter before their lordships, but not a part of the evidence in this case,) for the purpose of attacking Mr. Powell, and, through him, the Milan commission; after that evidence he would ask their lordships if they believed, however mistaken Mr. Powell had been in judgment, and however indiscreet, as he certainly had been, that he wished to remove Rastelli. Although it had been said by Mr. Denman that Rastelli was spirited away, yet he was confident, and he was sure their lordships would believe, that he had been sent away in the full confidence that he would return. If Rastelli had been here, would he have been called by the other side?

"Then the Milan commission had been attacked. No one

could doubt that in such a solemn inquiry as the present, it was the duty of those who instituted the investigation to be guarded as to the sources from which they derived their information, and accordingly the best and most respectable individuals had been intrusted with it. Mr. Cooke, who was at the head of the commission, had long been known as an individual of the first respectability in the court where he practised. Of Colonel Browne he knew nothing personally; but, from all he heard of his character he had reason to believe him to be a man of strict honour and of the highest respectability. Then, as to Mr. Powell, what had been said of him? That, having been one of the commissioners at Milan, he had been called to assist in conducting the case for the bill here. Was that a reason? Had not Mr. Vizard, and very properly, examined the witnesses before they appeared at their lordships' bar? and was he, therefore, not a proper person to assist his learned friends on the other side? He submitted that Mr. Powell stood as fair as any man could do.

"He would next direct the attention of their lordships to a contradiction that had been insinuated against the testimony of Rastelli. He had been cross-examined as to a conversation with Vassali, in which he was supposed to have admitted his having been discharged for improper conduct; but in answer he denied the charge, and stated the cause of his discharge. Vassali was called, and not a word was asked respecting this conversation; therefore he (the Attorney-General) was entitled to assume, that the testimony of Rastelli could not be contradicted. He begged again to allude to one or two points which deserved the particular attention of their lordships. Ragazzoni's testimony had been attempted to be contradicted by a man of the name of Guggiari. Ragazzoni stated that he had been at work at a grotto in the Villa d'Este. No attempt was made to contradict the fact of his having been at work in making a cornice to a round room.

"The witness hearing persons coming into the adjoining room, went down and stood behind the pilaster, of which their lordships had heard an explanation. This witness was to be contradicted by plans; yet, although plans were made at the Villa d'Este by Ratti, who lived at Milan, Guggiari produced that magnificent plan which they had seen. Why had not they come prepared with a plan made on the spot? Guggiari stated that the grotto was as long as the room in which their lordships now sat; from this they would see the perfect accuracy of Ragazzoni in stating that the figures were behind the room in which he was at work by ten or twelve yards.

That there were figures of Adam and Eve, with leaves and wire, was admitted. Cujiari said, 'the statues were in the grotto,' and described the rooms.

"So that their lordships saw that Ratti had been employed in making plans for the very purpose. Why were they not produced? Why but for the best of reasons — that they would have confirmed the evidence of Ragazzoni?

"Their lordships saw that, when Ragazzoni had been called, he had never been cross-examined, as he ought to have been. He, therefore, left his testimony confidently in the hands of their lordships, together with the evidence of Lantin, Guggiari, and Giuseppe Giarolini. There was no contradiction, and at the most, only some confusion. Here they had a witness who swore to a positive fact, whose character was not impeached, and who was met only by evidence respecting places, and no plan of those places.

"There was one other case to which he requested the attention of their lordships before he should call their attention to some general points, to which he would advert before he would conclude. In the minutes they found evidence of her royal highness kissing Pergami in a boat. To contradict this they had called a man of the name of Maggiore, who swore that her royal highness was always accompanied by the prefect of Como, and a magistrate called Podesta Parri; yet when it turned out that the prefect and the podesta lived at Como, he then admitted that they did not accompany her.

"He swore only that all must have seen who looked that way; and all their lordships had was that the kissing was not seen by others. As to the bathing in the Brescia, there was some confusion at first upon that subject; but it was not in the Brescia, but behind a bank, that the bathing took place.

"These were the contradictions attempted on the other side. But what had they not attempted to contradict? Yes, there were most important facts which they had not attempted to contradict. One was that indecent exhibition of Mahomet. There the witnesses had sworn to what he could only characterize as a most indecent exhibition. His learned friends felt that he had proved this point to demonstration, although he had been much abused for his opening of it, and they called Mr G. Sharpe to give evidence as to a dance at Calcutta. Because a dance at Calcutta was not indecent, *ergo*, it was not indecent at the Villa d'Este. They might as well have given evidence of a minuet dance. Sir Wm. Gell, whose knowledge of manners was so much celebrated, and Mr. Hownam, catching it from him, said that it was not more indecent than what, he believed, was called the Bolero; but Swinburn said

that this dance was so indecent, in Spain, that no woman o delicacy could witness it. What signified the dances at Calcutta, and in Spain? The fact itself was what their lordships had to attend to. Dr. Lushington had, indeed, entertained their lordships with a description of the entertainment it would afford at Drury-lane; but he should be very sorry ever to see it exhibited in this country. Was there any contradiction as to the balls given at the Barona? and to whom? To persons of the lowest description. 'O,' said Mr. Denman, 'that was the affability and condescension of her royal highness, a desire to give pleasure to all about her, and no more than was done by persons of rank in that country.' But this was not her own house, but Pergami's: he was the host, and she joined in those amusements with him, not to please her tenants, but to gratify him. Pomi swore that they were attended by the flower of the nobility, and one of these was the innkeeper's daughter. *(A laugh.)*

"There was a person, one would have thought that would have been there, closely connected with Pergami, but, alas, she was the only one that was never to be present at those amusements. No, she was never allowed to join—she was the only person not admitted to their revelry—she was always excluded—she must be away from her own home, and be excluded as long as royalty was there. He was stated to have exaggerated when he opened this as a disgusting scene of licentiousness; but there was a conversation which, if admitted, would have borne him out. Persons were stated to have retired—he could not have inquired for what purpose. But if her royal highness, since queen, entered into revelry with peasants, persons of the lowest description, where no ladies were present, (the wife of Vassali was not there)—He thought their lordships would be astonished when he called to their recollection that Pomi said of one lady, 'O she is not a prostitute.' This showed what was lurking in his mind. He expected such a question, and therefore said 'she is not a prostitute' *(a laugh.)* But the Barona being Pergami's property was confirmation strong.

"But, while here, he would say that he could not help thinking the theatrical exhibitions disgraceful. Mr. Hownam had a most convenient memory; he did not recollect her royal highness acting *Columbine;* but he did recollect her acting an automaton, and of what description? 'A woman that could be wound up to do any thing.' *(A laugh.)* Need he dwell on the meaning of this? She acted *Columbine,* as proved by Demont. Though his learned friend treated this as a subject of laughter, he thought her royal highness's acting so unbecom-

ing and degrading. Demont stated, too, what she heard said by her royal highness and Pergami. He would not dwell on the most indecent familiarities in the garden, proved by untouched witnesses.

"He already remarked on Bianchi's evidence as uncontradicted. So was Maino's, and Lucini's, and Galdini's. They had been amused by Dr. Lushington's Italian moment; he could, in reply, set off to this the English flash of lightning of Sir Wm. Gell. Finetti spoke to walking arm in arm. Their lordships would have been struck with it at first; but it became lost in the mass that was heaped on it. So was the circumstance of the canoe regarded till Lord Guilford proved it. Those were untouched proofs of kissing and caressing. He had enumerated those pages to which no contradiction was offered rather than read the evidence, because he knew how anxiously their lordships would examine all the evidence. He believed he had now gone over the case as made out for the prosecution; he would now call their attention to

THE CASE ON THE PART OF THE QUEEN.

"The first witness, Colonel St. Leger," the learned gentleman observed, "was called only to grace the cause of the queen, for he saw nothing. Lord Guilford and Lady Charlotte Lindsay had proved—what? The latter what she had seen for 24 days; the former dining at Villa d'Este, at Milan, and at Genoa. Lord Glenbervie's evidence was to the same effect, that he had dined with her royal highness at Genoa. Lord Llandaff was called to prove something more. He dined with her royal highness at Naples. On this he had remarked before. But he was to prove the custom of the country, as to gentlemen visiting ladies in their bed-rooms. His own experience and his own practice excited a smile. 'My Lord Llandaff then has seen ladies in their bed-rooms in a morning, and that is evidence that gentlemen visit ladies in their rooms.' But if noblemen might visit ladies in presence of their families and friends in bed-rooms, was there no indecency in a courier being admitted to the bed-room of her royal highness while her *fille de chambre* was excluded?

"Next came Mr. K. Craven and Sir W. Gell. The impression on his mind at first was, that Sir W. Gell had been for three months an inmate with her royal highness at the Villa Brande; but from the testimony of Carrington it appeared that he slept not a single night in the house, but at an hotel a mile and a half distant. He dined very frequently; and that was the testimony of Sir W. Gell. Dr. Holland was next called, and he also was a witness of character, and he

proved that he saw nothing improper. But there was a fatality in the English evidence, that it extended over but a very short time. Dr. Holland left soon, and it was singular that it was at the suggestion of her royal highness. It was the same with Sicard, that old and faithful servant. He was sent to England, and expected to be sent for again; but he was never called back, and he only went in consequence of the death of his late majesty.

"Then came Flynn and Hownam. Hownam put his credibility on the test, that though he saw her royal highness arm in arm with Pergami, though he saw him at her table, though he saw the exhibitions at the Villa d'Este, he thought there was nothing indecorous. He denied the fact that he had entreated he should not be admitted to the table, and at last stood up to not recollecting having said so to Captain Briggs. Captain Briggs, high in his majesty's service, never touched by the breath of suspicion, was called, and said that Hownam had stated it to him. It was either true or false that he had so entreated her royal highness; if true, it proved the sense he had of that act at the time; if false, it proved that he felt degraded by it, and involved in common disgrace with her royal highness; and that, to clear his character with a brother officer, he said that he had entreated her royal highness. Take it either way, it was conclusive of Hownam's feeling on the subject.

"Let him now call their lordships' recollection to the pledge which had been given by his learned friend, Mr. Brougham; and, that he might not mistake it, he would now read that gentleman's own words—'As to Mariette Brom, the queen has hitherto never known any thing to her prejudice, and she will, therefore, be presented to your lordships.' The fact, however, was, that his learned friends dared not to call her. Such was the manner in which his learned friend had entered his pledge that Mariette should be produced at their lordships' bar. How that pledge had been kept, the house had seen: and let it now examine the different and discordant reasons assigned for its violation by the counsel on the opposite side. He (the Attorney-General) would observe, upon this point, that he had foreseen what was coming from the very manner of Mr. Brougham. He foresaw that his learned friend (with great ingenuity certainly) was diverting their lordships' attention from the real state of this case, after the close of Lieut. Hownam's evidence; and their lordships could not but recollect that, after the departure of Rastelli, and the production of Baron d'Ende's letter, Mr. Brougham had announced that they would withdraw from that part of

their case, and that they would not call many more witnesses.

"Then followed the speeches of Mr. Denman and of Dr. Lushington; and the reasons they had assigned were certainly the most extraordinary which had ever been addressed to the house at that bar for the non-production of witnesses. Their hypothesis was, that the testimony produced in support of the bill was false; that the whole proceeding was founded upon a slanderous conspiracy; that the witnesses in favour of it were suborned, and not to be credited; and, in contradiction to them, they said, 'We will produce witnesses who shall demonstrate their falsehood.' But, unfortunately for them, Lieut. Flynn had flinched under his cross-examination; he had shrunk from the proof; he could not stand that which was the test of truth, and therefore, too, it was that Mariette and the other witnesses were not to be produced at their lordships' bar. They were not to be produced, because his learned friends were alarmed and apprehensive, lest, although those witnesses were to be sworn to speak the truth, and nothing but the truth, they might very likely let slip something in the course of examination unfavourable to the queen's case. But if a witness had the truth in him, what had he to fear? All the arts of the advocate could not extort from him that which was false, for he came armed in the armour of truth; and all the terrors of a cross-examination vanished before the consciousness of deposing to the truth, and nothing but the truth. But the truth, and nothing else, would not do from those witnesses; for, after Lieut. Hownam's examination, his learned friends had felt that they who deposed in that way, so far from aiding, were rather injuring their case;—but so much for the excuses given by them, to account for their not producing such witnesses. Another excuse, however, still more extraordinary, was started the preceding day, in the middle of his reply; and one which, he presumed, had never before been heard of. It was, that a communication had been just made to the Queen's Attorney-General; upon which he directly founded an application, and which he thought proper to adduce as a reason for, and confirmation of, his conduct relative to Mariette. If Mariette had not been produced by his learned friends under this sort of apprehension that she would not speak the truth, let them at least call those others to whom the same fear could not and the same doubts ought not to attach.

"Here he would apologize to their lordships for the frequency with which he had been compelled to advert to the mention of Pergami. He now mentioned that name, only

for the purpose of making one observation, which was upon a remark of Mr. Denman's, in answer to the inquiry why Pergami himself had not been called. Mr. Denman, on that occasion, thought that no instance was ever heard of, in which a person charged with having committed adultery had been cited to give his evidence in a proceeding instituted for the purpose of investigating or trying the charge. Such a case, however, was that of Campbell, in 1799, which was a divorce case, in which Major Hook, the supposed adulterer, was examined at their lordships' bar in support of the female. But not only was Pergami not produced as a witness at the bar, he had not even ventured to accompany to this country that female whom he was represented to have so faithfully served; and, after journeying with her in all her travels, he was not here now to assist his mistress in the hour he was most wanted. But all the family of Pergami had been dismissed also; and not dismissed because of their number, it was to be presumed, because all the family of Pergami had been received. The change was curious; but he (the Attorney-General) would ask, why would all this have occurred if her royal highness were really innocent? If there was really no impropriety in these attentions—if there was truly nothing in them from which guilt ought to be inferred—if Pergami was indeed this faithful servant which he had been represented to be—why was he not brought to this country? Why did not her majesty come forward and say, 'I have been deserted by my suite; I have been left by all my English servants; but this man has kept to me, faithful and unchanged, in all my difficulties, and has protected me in all my dangers: and for this it is that I have promoted and honoured him—I have given him the rank of chamberlain;' for chamberlain it was to be presumed Pergami still was. They had not heard of any other chamberlain, but they had heard of a vice-chamberlain to her royal highness.

"Upon the subject of Pergami's promotion, he would just call their lordships' recollection as to what had been stated by Mr. Brougham—'Oh!' said he 'you have been left in happy ignorance of all that has operated on the princess's mind: that at the time he was hired, the rank of chamberlain was promised him by the Marquis Ghizigliari.' Their lordships were told that it was to be proved that he was not only honoured with the confidence, but had dined at the table of General Pino—a fact which their witness, Colonel Tuille, unfortunately could not recollect. Sicard, so far from saying that any hopes were held out, or any promise made, to Pergami, of the advancement to which he had since arrived, de-

posed that he was only hired in the situation in which he went to Naples, and the promise amounted to this—that if on the arrival of her royal highness at Naples there should be a vacancy for a servant in the household, he (Pergami) should have it. But their lordships had been kept in happy ignorance as to the nature of his services. What was there at Genoa, at Milan, at Naples, to call for all that further favour which was shown him, to allow of his introducing into her royal highness's house and service all his relations—Faustina, who at Genoa, was not known to be his sister; the Countess Oldi, who, at Genoa, was not known by Dr. Holland to be his sister? Why was all this secrecy kept up? Why, then, was Louis Pergami to be admitted into her royal highness's service? What! her majesty, who never before let any servant dine with her, at her majesty's table, suddenly permitting not only Pergami, but so many members of his family to dine there. And were not these grounds of inference and suspicion? He said that they were the strongest grounds; and, when coupled with the other facts deposed in evidence, must furnish in their lordships' minds a clue, by which they might trace the true motives of the princess's conduct.

"But if there were other reasons for not producing Pergami, why had not the Countess Oldi been produced? It was most extraordinary that, throughout the whole course of the evidence offered on the other side, there was only one female witness called, and she a witness of the conduct of her royal highness for twenty-four days only. Lady Charlotte Lindsay was produced. Why, if she was produced as the *dame d'honneur* who was in that capacity for so short a time, why was not that person called, who had also been with her royal highness as *dame d'honneur* from the period of her English suite's quitting her at Milan up to her arrival in this country? Was it meant to be said that that lady of honour was not to accompany her? Was her royal highness to be left without one? She travelled up, then, to St. Omer's, without one female attendant in the capacity of lady of honour. The Countess Oldi, of all persons, was the one whom their lordships might have expected to be produced on the other side. Of the Countess Oldi there could be no suspicion. She was of a family against whom there could be no suspicion of her royal highness. She was of the family of Pergami, of which there could be no suspicion! She it was who Mr. Williams had said should be called to contradict the facts charged to have occurred in the journey from Rome to Sinigaglia.

"But were these all who might have been placed at that bar? Why was not Austin produced? Where was he? He was

now nineteen; his name was among those of the witnesses in attendance. He could have contradicted many parts of the testimony on the other side. Where was Hieronymus?—At Brandenburgh-house, but by no means forthcoming. Where was Schiavini?—He was also in the country. But though he performed many important acts about the tent, he was yet not produced. Where was Ludovico Pergami, who waited at table, his brother being a courier, at Genoa? Why was not he produced? Where was Cameron? Where was Lini, the Jew harper? He had now named about eight persons; but there was Carlini too, who was on board the polacre; why was not he produced, and the whole family indeed of the Pergami's—Faustina, the mother; Rappi, Bernardo, Francesco? Not one of these had been produced, although his learned friends had undertaken to contradict every part of the case for the prosecution. They called, indeed, Lieutenants Flynn and Hownam, and then Vassali; but either they had such weak nerves, or such treacherous memories, that his learned friends thought their other witnesses must not be produced at their lordships' bar, and therefore they had been withheld. Now this spoke more in condemnation of her royal highness's conduct than any thing else, after all the absurd, the futile, the unsatisfactory reasons which had been adduced for the omission of witnesses, and which applied only to the case of Mariette, and not to any one else.

"The learned gentleman then apologized to their lordships for trespassing so long upon their indulgence, when he was aware that their attention was exhausted by their previous continued application to the same subject. His duty had been an anxious one. It had been to bring before their lordships the whole evidence of this case. He had strictly confined himself to that duty; and he trusted that they would acquit him, in the course of these his observations, of having made any unnecessary appeals, either to their feelings or their passions, upon this case. He had done that which was his duty; he brought the evidence before them to the best of his ability, and commented, as well as he could, upon that evidence which had been offered. This was his duty; but it seemed that there was another thing, and another course which an advocate for an accused should adopt; and this had just been discovered by Mr. Brougham.

"His learned friend had argued, that an advocate for an accused was to defend his client at all events; and separating the duty of an advocate from that of an honest and independent citizen, was to go on, regardless of the dangers he

incurred, and reckless of the consequences, even to his country. But what was the duty imposed upon his learned friends? To protect the interests of their client, to guard the innocence of the queen, and to establish it against the charges by which it was impugned. This they had attempted to do. But had they confined themselves to that duty? No; for the counsel had been permitted, for the first time at their lordships' bar, to launch into invectives against the constituted authorities of the realm. Modern precedents were to be sought for, to justify the course which they had been allowed to adopt; and the annals of corrupt Rome were to be ransacked for examples odious enough to serve the purposes of their denunciation. The cruellest of tyrants, the most detested of all antiquity, was to be brought forward as a supposed parallel to the king. The throne itself was not spared; nor was this all—their lordships were not spared. No one was to be exempted from the extraordinary observations which had fallen from his learned friends. Their lordships would—he would not say pardon them; but perhaps some excuse was to be alleged for them in their trying situation.

"If the queen, however, was innocent, her innocence was to be established in some other way. If she was innocent, it was not invective and virulence which would prove her so. Innocence stood secure, always in its own strength: it wanted no aid from vindictive aspersions. Whatever had been the eloquence of those invectives, during the time that the question of that innocence was to be examined, he could not help thinking that the path of duty was to be preferred by his learned friend. But it seemed, by the conclusion of Mr. Brougham's address to their lordships, that the public had already passed their verdict upon this case. The public had passed no verdict. There was, indeed, a part of the community who had attempted to do so: who had, by the most base, the most insidious means, endeavoured to deceive the best and most deserving part of the nation—who had endeavoured to wrong and to betray them. These, while they had the cause of the queen in their mouths, had another cause in their hearts. He would not say that he believed it, but it must pain every one to believe, that any countenance could be given to such a party by the illustrious person accused.

"Now, not only had all this been done out of doors, but, their lordships had been told, in magnificent language, and in a manner he had rarely seen surpassed, and which, at the time, had no doubt produced a very considerable effect—that their judgment, if it went to degrade and dethrone the queen, would be the last and only one they could pass, which would fail in its object, and be productive of endless ill consequences: and

their lordships were told, and attempted to be persuaded, that as the only means of preserving the honour of the crown, and securing the tranquillity of the country, they were called upon —at all hazards, and whatever might be the contrary bias of their own opinions—to pronounce a verdict of acquittal; because, forsooth, such a verdict the state of the whole country demanded—in the opinion of his learned friends. God forbid that such a topic should ever preserve any weight with their lordships: that any consideration should sway them from their duty: that they should desert the persons of high honour and character, who were interested in this case, or the exercise of that discretion which had hitherto commanded the respect and concurrence of the country.

"The throne," concluded the learned gentleman, "will be best protected, and the altar best defended, by a judgment passed by your lordships according to evidence, the evidence which has now been offered to you. If that conclusion, my lords, be what I have endeavoured to show, that the nature and amount of the evidence go to establish, and which, think, it inevitably will be, a verdict of guilty, I am sure your lordships will pronounce it with confidence; that it will be satisfactory to your own consciences, and, sooner or later, that it will be satisfactory to the whole country."

The SOLICITOR-GENERAL addressed their Lordships:—"Never did an individual appearing at your lordships' bar stand in more need of the extreme of indulgence than myself upon this occasion. I have, my lords, to address you upon a subject already so completely canvassed and exhausted, that I can scarcely expect to throw any new light upon it. I have to address you when I am, myself, in my mind and faculties, jaded and exhausted by the long-continued application and confederation of the same ideas. I labour, too, my lords, under another difficulty, no less great than those which I have pointed out, namely, that I am to follow my learned friend, the Attorney-General, who, in his address to your lordships on this occasion, has taken such a minute, and, at the same time, such a comprehensive view of this important subject; who has addressed you in such a powerful, such an impressive, such an irresistible speech, as must of necessity carry conviction to the mind of every body who hears it. Under these circumstances, were he to follow his own feelings and inclination alone, he would not say one single word upon the case. But he had a duty to perform, the discharge of which he must endeavour to go through with manliness and fortitude. They were there, engaged in the consideration of a subject, perhaps

of the greatest importance that ever agitated the feelings of the empire.

"When this case was originally offered to their lordships, it must have been perfectly clear to every person conversant with the proceedings of a court of justice, that from the wide range of facts, the number of witnesses to be called, the period of time over which the transactions extended, there must be a considerable body of conflicting testimony. His learned friend and himself, in considering the subject, were aware that this must of necessity be the case, and they were prepared at the same time to expect it.

"It was not his intention, after the elaborate speech of his learned friend, addressed, as it was, to every part of the subject, to go in detail through the great mass of evidence before their lordships. He would take a much narrower compass; and, in the observations which he was about to address to their lordships, he should discharge from his view, sedulously and attentively, every part of the case upon which there was any conflicting evidence. In this view of the case he steered clear of every objection that had been made on the other side: and their lordships, looking at it in this light, with the body of evidence all tending one way, and unopposed, would see that a case was made out so clear, so complete, so distinct in all its parts, as to carry conviction to the minds of those even least disposed to be convinced upon this momentous occasion.

"There was a feature in this case which never could be too frequently adverted to. Their lordships would have anticipated that he alluded to the elevation of Pergami, who was hired as a courier, as a courier only, on the journey from Rome to Naples. In a few months afterwards their lordships would find him elevated to the rank of chamberlain or equerry —made a Knight of Malta (a very great and high distinction); a Sicilian Baron; a Knight of the Holy Sepulchre, and in possession of a very considerable estate in the neighbourhood of Milan. These were facts not disputed; it became, then, very material to consider how they had been replied to—how met on the other side. His learned friends had felt the weight of them, and in the discharge of their duty had endeavoured, of course, to give some explanation of them. Let their lordships now inquire a little into that explanation; let them examine it, and see how completely, how entirely, it had failed. Mr. Brougham, in the course of his address to their lordships, had stated that this was all very natural—that Pergami was born a gentleman, but was reduced in his circumstances, merely by the events of the French revolution—that he had sold his estate to pay off his father's debts. If the facts were

true, every circumstance so stated might have been established in evidence, and would have been so, of necessity. His learned friends on the other side had spent entire days in making a distinction and drawing a comparison between the speech of the Attorney-General and the evidence of the case; but, when he came to contrast their statement with that evidence, the facts were still more wide of their exposition than in the speech of his honourable and learned friend.

"What, however, was the evidence which the other side had laid before their lordships with respect to this important fact? They called Colonel Tuille, who gave this account of Pergami:—He said that he was a sergeant, or held a situation equivalent to that of a serjeant, in the French army. He told their lordships, that Pergami was the private, but familiar, servant of General Pino; and they had it uncontradicted in evidence, that, while in the service of General Pino, he received wages at the rate of three livres a day, waiting regularly at table. This was the evidence relative to the previous situation of Pergami—a previous situation which was granted on the other side, but accounted for by its being said that he was born and destined to be a gentleman, but was reduced to necessities.

"It had been asserted by Mr. Denman, that though Pergami was a courier he had the manners of a gentleman, and upon that principle accounted for his elevation; but this assertion was not supported by the evidence of Sicard, the Earl of Guilford, and Sir W. Gell.

"It was necessary to account in some manner for the extraordinary elevation of Pergami, and a show of defence was attempted to be made by an allusion, in the statement of his learned friend (Mr. Williams), to the high merits and extraordinary services performed by this servant to his mistress. The only thing said of Pergami's conduct by any witness was 'his respectful obedience to her royal highness.' His respectful obedience, then, formed his claim to the honour of being made a Knight of Malta, a Sicilian Baron, and Grand Master of the order of the Holy Sepulchre. Was there any thing in the man's history, after all the allusions which were made to his prospects, to entitle him to this advancement? He was originally a servant and private courier to Gen. Pino; being out of place when the princess was on her journey to Rome, and her royal highness wanting a courier, he was taken into the suite as such, and merely for the journey. But his services were such, that he was retained, and advanced to the highest honours; his learned friends were driven to talk of his services to justify the promotion, but their evidence went to nothing

beyond 'respectful behaviour.' Their lordships, however, could not shut their eyes to the fact, that there were no services performed on which any colourable pretext could be founded. His learned friends knew as well as he did, that Pergami had no such claim—his claim was of a different sort. His learned friends, whose copious power of classical illustration was so elegantly shown throughout their speeches, must remember the lines put by a dramatic author into the mouth of a Roman Empress:

'Threadbare Chastity is poor in the advancement of her creatures—Wantonness magnificent.'

"There was no reason whatever for doubting that her royal highness might have had suitable English attendants, if she thought proper. Did his learned friends show that a single individual had been applied to? Not one. Lady Charlotte Lindsay was then near the princess; Lady Glenbervie was at the time at Genoa, but no attempt was made to solicit the company of her ladyship. It was said that about this very time her royal highness was surrounded by spies at Naples, her steps watched, and her most innocent actions misconstrued. Her majesty was, it was said, apprized of this system of espionnage. That very circumstance rendered it still more necessary for her to have persons of unquestionable respectability about her, to vouch for the propriety of her conduct. Instead, however, of pursuing the prudent course which would have better become her character, what did her royal highness do? She engaged in her service the Countess Oldi. What were the qualifications of that lady for being the companion of her royal highness? They had it in evidence that her royal highness could only speak a few words in Italian. The Countess Oldi did not understand a word of French; so how was it possible they could carry on any conversation together? how could one be a pleasing companion for the other? She was to attend the princess with whom she could not converse; but there was no introduction of this lady as a relation of Pergami. Why, if there was not some motive for the concealment, disguise this fact? Why keep it a secret at first from Demont, from Lieut. Hownam, from Dr. Holland? None of these had the slightest idea of her relationship to Pergami. Of this man's family, it would be seen that no less than 12 or 13 had been taken into the princess's service: by his relatives and connexions her royal highness was beset on all sides, with one most remarkable exception, which their lordships could not fail to notice, and which had been emphatically alluded to by his learned friend, the Attorney-General; it was, that Per-

gami's wife never made her appearance where the princess took up her residence. All the rest of the family, and Pergami's child, were with the princess; but the wife was kept at a distance; she never could partake of the hospitality of her royal highness's establishment; she was the only one of the family who was called to submit to every sacrifice without a murmur.

"How was it possible to reconcile all these facts with the statement of his learned friends opposite, that Pergami's fidelity as a servant was the sole cause of his advancement? It was impossible to put all these facts together without arriving at the conclusion that the degrading intercourse had been carried on which was stated in the preamble of the bill. He did not wish that any of these facts should be taken singly, as establishing the charge: but, when coupled with each other, they formed a commentary which confirmed, beyond all doubt, every part of the charge. There was the fact of the contiguity of the bed-rooms: that was not touched by the evidence for the defence, but was, on the contrary, confirmed beyond all possibility of doubt. At the Villa d'Este only a small cabinet separated Pergami's bed-room from that of the princess, and the other branches of the household slept in a different part of the establishment. An architect had been employed to make for the princess various plans of the Villa d'Este; he had made alterations in that residence; he was produced at the bar, but the counsel for her majesty did not venture to put a question to him upon the fact of this alteration of the apartments. In allusion to these alterations, his learned friend, Mr. Williams, stated to their lordships, that the intention of the princess, in having one of her houshold near her, was to guard against surprise, to remove her apprehension against the occurrence of any danger. His learned friend had laboured considerably to justify, upon this ground, the fact of Pergami's sleeping near the Princess's chamber. It might have been for her royal highness's protection against the plots which were preparing against her. Just so was the protection given by *Sir Henry Hornby* to the lady in one of Foote's farces, in the dialogue between *O'Donovan*, the Irish chairman, and *Mrs. Minnikin*:

'*O'Donovan.*—My lord was obliged to go about his affairs into the north for a month, and left his disconsolate lady behind him in London.

'*Mrs. Minnikin.*—Poor gentlewoman!

'*O'Donovan.*—Upon which his friend, *Sir Henry*, used to go and stay there all the day, to amuse and divert her.

'*Mrs. Minnikin.*—How good-natured that was in *Sir Henry!*

'*O'Donovan.*—Nay, he carried his friendship much further than that; for my lady, as there were many highwaymen and footpads about, was afraid that some of them would break into the house, and so desired *Sir Henry* to lie there every night.

'*Mrs. Minnikin.*—Good soul! and he did, I dare say.' (A laugh.)

"Repeatedly throughout the opening of these proceedings, before their lordships and elsewhere, he had heard his learned friends say that, the moment their turn to be heard came, full proof would be tendered of detestable plots and conspiracies against her majesty—attempts to break open her bureau, to get at her private correspondence, to pick her locks? but, when their turn came, not the slightest attempt was made to sustain and redeem these promises. Stories of Baron Ompteda had, indeed, been rung in their ears: but so unskilfully was the proof handled, that, though the proper evidence, if the facts were true, might have been had, yet there was no legal proof tendered. The Baron was dead; but there was the blacksmith, of whom so much mention had been made—where was he? Why was he not brought forward to support this statement, if it had any real foundation in fact? During this case, by one of those slippery manœuvres for which his learned friend (Mr. Brougham) was so distinguished throughout the proceedings, with his arms extended forward with an air of apparent astonishment and momentary anxiety, he tendered a letter respecting Baron Ompteda, as if it had only that moment come into his hands. His learned friend, when he made this dexterous manœuvre, knew as well as any man that this letter could not be received in evidence; and yet, contrary to all decorum, to all propriety, he read the contents of that letter, which he knew as evidence was inadmissible. When his learned friend could not contradict the facts, he always made an experiment of his dexterity.

"He should next call their lordships attention to the polacre scene. Her royal highness, it was proved in evidence, had embarked at Augusta: her bed-room was so arranged in its relative position to Pergami's, that the person in one could be seen by the person in the other. A tent was erected upon deck, under which Pergami and the princess slept It was indisputable, from the testimony of a number of witnesses, that the parties, unaccompanied by a third person, slept under this tent during the voyage; that Pergami used to hand out the light, when they had retired. The witnesses who spoke to this fact, which directly led to such an irresistible conclusion, remained uncontradicted, and all the force of his learned friends had been directed to show that they were to be excessively remunerated for coming over to give their evidence. The loss which these men were exposed to by coming over

at harvest-time was totally overlooked, and the remuneration was calculated as if it were an annual stipend, instead of for a space not probably exceeding three months. Was there any thing, he would ask, in the manner in which they gave their evidence, to justify any aspersions upon their character? It was forsooth, all Italian evidence, and was to be knocked up the moment two English witnesses were heard in reply.

"The evidence of Lieuts. Flynn and Hownam was to set the matter right. They did, at length, give their evidence. In his opinion, Lieut. Flynn felt himself embarked in a cause in which a great deal of passion had been enlisted. He owed a debt of gratitude to her royal highness, which he wished to discharge in a way in which he (the Solicitor-General) thought he ought not to have discharged it. He had stated, that her royal highness could not be seen in her bed in the cabin by Pergami from his. Afterwards, on cross-examination, he said he thought so, and subsequently he admitted that he had no means of knowing. Was not this of itself sufficient to show the doubt which Lieut. Flynn was in, and cast a doubt on all his testimony? He said he slept on the deck almost the whole of the return voyage, except one night.

"Lieut. Hownam swore, that Mr. Flynn slept on deck only occasionally; that he sometimes took his cot on deck, but was by no means constantly there. He begged their lordships to observe the motives which operated on the minds of these two gentlemen in their contradictory accounts of this point. Lieut. Flynn, by stating that he was constantly on deck, wished it to be inferred that nothing improper could have taken place in the tent, he being known to be always within hearing. The object of Lieut. Hownan's evidence was to show, that as Flynn was only occasionally on deck, it would be the more necessary that Pergami should be there. He (the Solicitor-General) would not say which of those two accounts was true, but certain it was, that one of them must have been false. Their lordships would observe how he described the looking into the tent. He could not see Pergami there;—it was dark. Oh, but then there was a light from the binnacle; well, then, the reason why the light was put out from the tent was the fear of the pirates. The binnacle light was then questioned, and he accounted for it by saying it could not be altogether covered; there was not air enough: yes, but larger holes might have been made in the top: this would not do, for the water would come in and extinguish it. What were their lordships to infer from these statements, but that the witness had found himself entangled in the difficulty of his statements, and that he could not with consistency get

out of them. He (the Solicitor-General) should not have felt himself called upon to make those observations with respect to Mr. Flynn, if his learned friends on the other side had not entered into such a warm panegyric upon him.

"He now came to the evidence of Lieut. Hownam. He stated that he believed Pergami slept in the tent. His learned friend, Mr. Brougham, not at all satisfied with this answer, interfered and said, that the meaning of the witness was, that he believed Pergami slept there, because he heard it. The thing was, however, soon placed beyond doubt, for the witness swore that he heard it, and that he believed it. No sooner was this said, than Mr. Brougham started and said, 'My lords, it is a part of our case.' This, which was before not touched upon at all by his learned friend Mr. Brougham, and only alluded to slightly by the other counsel, was no sooner admitted by the witness than it was immediately declared to form a part of their case. It was singular, that among gentlemen of so much learning and talent as her majesty's counsel, there should on important points of their own case be found so little union. The fact of Pergami's sleeping under the tent was not at all mentioned by Mr. Brougham. In the notice which Mr. Denman took of it, it was dwelt upon as a matter which was not clearly proved; but Dr. Lushington had admitted the fact, and laboured with great vigour, though, in his mind, with no great effect, in defending it. But it was strange that the learned Attorney-General of the Queen—he who had displayed such talent in his opening—whose powerful mind had expanded itself over the whole of this case—grasping every thing however great, and comprehending every matter the most minute, omitted the mention of this part altogether. This was left to his learned friend, he (Mr. Brougham) keeping all the sap of the case, and leaving him only the rind. The fact was clear from the evidence of Lieut. Hownam that Pergami slept in the tent; and in addition to this positive evidence, their lordships had, which was still better, the negative evidence of the Countess of Oldi. *(Hear from several peers.)* Why, if the fact was not so, had she not been called? In such a case as the present, he would have put the Countess of Oldi into the box at all hazards; and the moment he found that it was not intended to do so, he said the case had received its death-blow. She was now in this country, and, no doubt, had been questioned. She was of course willing enough to assist the case, but she would not consent to state on her oath that which was not true. But if there was any particular objection to calling her, there was a host of witnesses besides. Where were Schiavini, Austin,

Hieronymus, Mariette, Cameron, and several others. All of these could have been produced to speak to this point, but they had not dared to examine one of them. Need he offer one word more to their lordships on this part of the case? But it had been asked, if Pergami had slept under the tent, what inference could be drawn from it? The tent was liable to the access of several of the suite, and, on one occasion, Lieut. Flynn went and lifted it up at the side to speak to her majesty. Now, against that point the evidence of Gargiulo was conclusive, for he swore that it was fastened down all round, and that there were pins to fasten it.

"Gargiulo swore that on one occasion he saw her royal highness sitting in Pergami's lap, on a gun on deck; and Paturzo swore it also, and that he saw her royal highness sitting with him (Pergami) on a bench, his arm supporting her back. To this might be contrasted the negative evidence of Lieuts. Hownam and Flynn; but there was another fact sworn to by Gargiulo and Paturzo, to which Count Schiavini was said to have been present, and yet he was not called to contradict it. What was the natural inference to be drawn from this circumstance? Now, then, without adverting to the circumstances of the extraordinary rise of Pergami, to the introduction of all his family, except his wife, into the suite of her royal highness, it resulted from the evidence, that a number of these indecent familiarities had taken place on several occasions, and that afterwards her royal highness slept under a tent for six weeks, side by side with this man. Was not the conclusion of guilt most evident? What was the doctrine laid down by the consistorial advocate of the queen as he was called? He had said, that if opportunities were shown, and circumstances proved to lead to the conclusion that advantage had been taken of those opportunities, it was sufficient to make out adultery. What better opportunity could have been afforded than in the tent, and facts of most indecent familiarity were deposed to by the witnesses: thus applying the facts to the argument on the other side—to the argument of the great consistorial authority it was clear that the house could arrive but at one conclusion.

"One very singular position had been taken on the other side—that the parties had never undressed; nay, Mr. Brougham in one of his examinations had asked whether the princess took off a stitch of her clothes (such was his word) during the whole of the long voyage? Yet the princess had been lying all the time side by side with this 'singular-looking, stout-built' man; and because her dress was not taken off, it was to be concluded that there had been no criminality. Was

a proposition so monstrous ever urged before any tribunal, more especially before such a tribunal as this? Paturzo had sworn that he saw her looking out of the tent in a morning-gown, and it appeared that the dress of the other party was a loose Tunisian robe, and Dr. Holland had deposed that it was the ordinary mode of dressing. If such obstructions as these were effectual, what was to become of population? *(Laughter.)* Formerly it had been said that a hooped and whale-boned petticoat was insufficient.

> 'Oft have we known that sevenfold fence to fail,
> 'Though stiff with hoops and armed with ribs of whale.'

This too frequently

> 'Gave way and bent beneath a fierce embrace.'

And was it credible that the queen's morning gown had made a stouter resistance? Protection, they said, was necessary: the queen must sleep in the tent with a male protector. Had they any reason to suspect the crew? No. Would not a person lying in a hammock, within four or five feet of the tent have been a sufficient protection? Yes, was again the answer of the witness. Was not Capt. Flynn there? No, only occasionally. Schiavini might have been there; but then he was only a landsman. What was Pergami but a landsman? True, but then he was 'a singular-looking, stout-built' man, and might be of more service to her majesty.—*(Laughter.)* But for the language and the imagery on which these matters had been observed on the other side to mislead the judgment, every body must have been struck with the extravagant absurdity of such pretences. Here was a serjeant of dragoons, a courier, an elevated menial, lying, for months together, side by side, with the Princess of Wales! Was it possible that she should not have been struck by the gross indecency of such conduct? Yet she was now to be held up as a woman of such extraordinary purity, of such noble, exalted, and refined sentiments. A woman of the most ordinary delicacy—a woman of no delicacy at all—a mere woman—must have been struck by it. What, then, was the conclusion? Only this—that she could submit from but one motive, and that motive a determination to gratify her desires—to feed and inflame her insatiable passion. The moral evidence was even more cogent than the direct testimony, and no man who did not wilfully shut his eyes—he repeated it soberly, deliberately, dispassionately—no man who did not wilfully shut his eyes could fail to see the obvious guilt of the accused. He defied any one with the soul of a man and the faculties of a man to give any other solution to the case. Faction might mislead—party might sway—we might wilfully

shut our eyes, because we did not wish to see a thing; but looking at the facts as we ought to do, fairly and coolly, it was impossible not to decide that an adulterous intercourse had taken place between the queen and Pergami.

"Need he allude to what he had mentioned when he before addressed the house—the absence of that individual, who if the queen were innocent, if the facts admitted of explanation, might have been produced? He had approached this country—he had reached St. Omer's in one of the princess's carriages, no doubt blazoned with the royal arms; but oh, profanation! when his services were most wanted he returned—this respectful, humble, obedient, dutiful servant returned, not daring to accompany his royal mistress to England. His sister arrived—Vassali, the agent, arrived, but he came not. A word or two regarding Aume would much strengthen the evidence regarding the polacre, and for this purpose only he touched upon it. Here Pergami and the queen were also under the tent. Here she had no need of protection, because in the outer tent were two of her servants, and who might, if necessary, as well as Pergami have slept in the inner tent. He did not impute, even as a matter of inference, that adultery did take place on those two days at Aume; he only mentioned to show the general system of cohabitation, although the crime might there have been completed.

"He would endeavour to confine his remarks to a moderate compass, and would touch merely on those parts of the case that had not been attacked on the other side. As to the theatre St. Carlos it was not disputed that the princess was at the masquerade there: she was accompanied by Pergami in a domino, and by Louisa Demont. They crossed the garden, went through a door at the extremity, got into a hired carriage, and so arrived at the theatre. He laid no stress upon what occurred there; his object was entirely different. What was the fair inference from this visit of the princess so secretly made, and so accompanied? Did it not give most important confirmation to all the other facts? Even the conduct of his learned friends in their management—their zealous management—of the defence, established all that was necessary: Dr. Holland swore to the fact. Did any of her English suite or any of the Italian nobility attend her? If so, she could have proved it: she had not proved it, and the evidence of Demont on the point was rendered indubitable. Another circumstance was the breakfasting at Genoa and Milan; and supposing no reliance were to be placed on the testimony of Majocchi and Demont, still they vouched the presence of other persons, which must satisfy all as to their correctness, recol-

lecting that those persons so vouched had not been produced. Demont swore that Louis Pergami and Theodore Majocchi waited on the princess and Pergami at breakfast, and Majocchi deposed that Louis Pergami or Cameron assisted him. Why, then, had not Louis Pergami or Cameron been called to contradict Majocchi and Demont? If the other side did not dare to produce them or either of them, according to all just reasoning it was strongly confirmatory of the original statement, and a clear evidence of guilt.

"The transaction at Venice with the chain also deserved a remark or two. A cross-examination of great length had taken place in order to enable the other side, if possible, to contradict Majocchi; it was found that the chain was bought of one Fanno; his residence was described, and it was added that at the time all the party were getting up from table. Fanno, then, might have been called; some of the persons present and rising from dinner might have been called; but they had none of them been produced. It had been said that in the public papers there was an account with respect to the sale of this chain. The other side had produced Austrian gazettes, and had offered supposed letters of Baron Ompteda, but among all their ten thousand irregularities they had not ventured to produce this much-talked-of certificate regarding the sale of the chain. He did not believe it existed, or his learned friends would not fail to have brought it forward. What answer had been given to the facts sworn to at Bellinzona, Lugano, and the Devil's-bridge? At Bellinzona Pergami in his courier's dress was admitted on a footing of perfect equality to the dining-table of the princess, and the same occured at Lugano, and at the Devil's-bridge. Mr. Denman had endeavoured to account for this circumstance by referring to the smallness of the inn; but Bellinzona was a large and populous town, and why was Pergami preferred to all the rest of the servants? Hieronymus was the Brunswick courier, from the same country as the princess, and long in the service of her family; but no such attention was paid to him, and it was exclusively bestowed upon Pergami.

"Connecting all these facts together, the evidence was most importantly confirmed, and the conclusion was irresistible. But Lieut. Hownam said that he had never observed any thing in the conduct of the princess towards Pergami in the slightest degree derogatory from her high station. Being asked whether he had never observed this extraordinary conduct, and remonstrated against it, he positively denied it; but when the name of Captain Briggs was mentioned, he began to recover, and he then first could not recollect. What, then,

was to be thought of this officer's general evidence? That he had used those expressions was established by a witness above all reproach; in a former stage he was considered so by the other side, and he was embraced as an unimpeachable witness against the bill. But the moment he mentioned this conversation, the language and manner of the counsel for the queen underwent a total change; then insinuations were thrown out: 'Have you not lately dined with the king? Where did this conversation take place, and did you ever mention it to any person before?' It happened that Captain Briggs had mentioned it before; and, as to the charge of dining with the king at Portsmouth, it appeared that Captain Briggs, commanding the guard-ship there, in common with all the other officers, paid his respects to his majesty. Such were the attempts made on the other side to attack the veracity of a witness who did not state exactly what made for their purpose. He (the Solicitor-General) felt the utmost reluctance in pressing these matters upon the house, and nothing but an imperious sense of duty could compel him to trouble their lordships further. It was now near the hour of adjournment, and though he was anxious to confine his remarks to as small a compass as possible, he was still afraid that he must make a considerable demand on the indulgence of their lordships."

Mr. Brougham, in reference to what had fallen from the Solicitor-General, regarding the letter of Baron Ompteda, remarked, that he was sure his learned friend meant nothing harsh or offensive to the counsel of the queen. What had been stated by him regarding the letters of Ompteda was founded in error, and he (Mr. Brougham) concluded that it proceeded from the instructors of the Solicitor-General, who, he understood, had presumed—had dared to say (which he trusted after this denial they would no longer do) that he had possession, and knew of the existence of those letters some time before he mentioned them yesterday. He did not know of their existence until yesterday morning, at half-past eleven o'clock, though he had been wrong in supposing that they only reached London yesterday morning. They arrived at Dover for the first time at half-past eleven on Thursday night. After this explanation, he concluded that no one would doubt the strict accuracy of his statement.

The Solicitor-General said, Whatever my learned friend deliberately states, I perfectly believe.

Mr. Brougham repeated, that the assertions of the Solicitor-General had only proceeded from mis-instruction.

The house adjourned at five minutes past four until Monday.

FORTY-FIFTH DAY,—MONDAY, OCTOBER 30.

THE SOLICITOR-GENERAL resumed his reply.—"The first observations which he should make, arose out of that singular walk on the terrace, and the still more singular conduct of Mr. Craven, as connected with that transaction. It had been stated that her royal highness was seen walking on the terrace with Pergami; and in the course of his cross-examination by their lordships, Mr. Craven said, he did not observe that her royal highness and Pergami touched each other, so that an impression was attempted to be made on the minds of their lordships that he saw nothing singular in this transaction. It was impossible to reconcile such an opinion with the conduct of Mr. Craven, which appeared to him to be utterly inexplicable, if that opinion were well founded. If he observed nothing but the ordinary conduct of a servant towards his mistress, was it possible to suppose that Mr. Craven would have remonstrated with her royal highness as he had done?—It had been said that the terrace was overlooked by the adjoining houses, and that therefore it would have been the height of folly and imprudence in her royal highness, if she had walked there with her servant in an improper manner. Looking, however, through the whole of this case, and viewing it in all its parts, there appeared to be that extraordinary mixture of caution and imprudence, which almost always exhibited itself upon occasions of a similar nature. He affirmed, that it was impossible to reconcile the conduct of Mr. Craven with any other supposition than that suspicions were passing in his mind that the conduct of her royal highness would be interpreted in such a way as would be in the highest degree injurious to her character.

"He begged leave to call their lordships' attention to the evidence of Lord Llandaff, which furnished another most striking and remarkable instance of the same kind. In his examination by their lordships he was asked, 'Can your lordship state any circumstance which has impressed the name of Pergami upon your mind, without your knowing the name of any other attendant at table? Pergami was a very singular figure, and I knew him by that; I recollect him by his figure; he was a strong-looking man. I never asked what his name was; but being pointed out to me as Pergami, and from his figure, I did not forget him; I recollected him afterwards from that circumstance.' Whence could all this arise, but from the suspicions operating upon the minds of that nobleman and Mr. Craven, suspicions, which induced the latter

gentleman to give such extraordinary advice to his mistress? It was from minute circumstances of this kind, that we were enabled to deduce the truth with more certainty and precision, than from circumstances which at the first view might appear more broad and striking. He now begged to call their lordships' attention to the evidence of Lady Charlotte Lindsay who entered the service of her royal highness about twelve months before she quitted Naples. In that short period of time, many remarkable circumstances occurred. If her royal highness and Lady Charlotte Lindsay were to walk in the garden at Naples, Pergami was selected to accompany them; if they went to Civita Vecchia, Pergami was always the man who attended them. If her royal highness chose to dine in private with Lady Charlotte and Wm. Austin, Pergami was the person who waited at table. On the road he rides as courier; and such was the extraordinary condescension of her royal highness, that she takes a bottle from the carriage, hands it to Pergami, and after he had drunk from the mouth of the bottle, receives it again into the carriage. [Mr. Denman suggested that the statements of the Solicitor-General might be more accurate, if he read the evidence.] He was perfectly ready to read the evidence, as his learned friend desired it.—'Did he afterwards return that bottle to her royal highness? I cannot be quite positive; her royal highness and I had taken our refreshment before he was helped, and whether he returned the bottle to the carriage or not, or whether he threw the bottle away, I cannot be certain.'—'Although your ladyship is not certain, to the best of your recollection, which way was it—did he return the bottle, or throw it away? I rather think he returned the bottle to the carriage.'

"After what had been stated by Lady Charlotte Lindsay, a witness called by his learned friends in support of the character of her royal highness, could their lordships entertain a doubt as to the fact, and could they draw any other inference from it than that a connexion of a most extraordinary and unaccountable kind existed between her royal highness and Pergami? Her ladyship afterwards quitted the service of her royal highness, and she was asked whether she had not said, upon quitting, that had it not been for an anxious desire to assist a particular individual out of her savings in that service, she would have quitted the service long before? She answered, 'I have no distinct recollection when I said that; and I certainly do not think it was coupled with any words expressive of an ill opinion of the princess. As far as I can recollect, it was not so. I can only say that I have no kind of recollection of saying that no woman who had any regard for her

reputation could remain in the service of her royal highness, and that I do not think it at all probable.'—So that her ladyship admitted the probability of her having made use of those terms, in stating that she had only been induced to remain in her royal highness's service from a desire of assisting a particular individual.—Such was the evidence of Lady Charlotte Lindsay, and she was the only lady called on the part of the defence for the purpose of speaking to the character and conduct of her royal highness. It was for their lordships to say, looking at the whole of this evidence, and comparing one part of it with the other, how far it was valuable to the cause which it was intended to support.

"Other witnesses had been called for the purpose of speaking to the conduct of her royal highness.—Sir Wm. Gell and Mr. Craven had also spoken in favour of the character of her royal highness, but to what did their information portend? They had, to be sure, opportunities of seeing her royal highness at the public dinners which were given, but they admitted that they were not in attendance when her royal highness dined in her private apartment. The evidence of Lord Llandaff and Lord Glenbervie was still more feeble. They had merely visited her two or three times. Dr. Holland had been also without the opportunities of seeing her royal highness, except at dinner time, and could form no estimate of her general conduct. Now, what appeared on the other side? It was not so much to what had been produced by her royal highness as to what had been withheld, that he looked as a proof of the strength of the case against her. Why had not Lady Elizabeth Forbes been called? She had been with her royal highness during her whole stay at Naples. Lady Charlotte Campbell had attended her royal highness at Genoa, and followed her to Milan. Why had she not been called?

"The learned counsel then referred to the authority of the chief judge who presided upon the trial of Thistlewood,* who laid it down in summing up, that as the prisoner had it in his power to adduce evidence to prove that certain conversations stated by Adams, the principal witness for the prosecution, had not taken place, if that statement were untrue, the non-production of such evidence must operate in prejudice of his cause. But the principle and practice of the law, as well as the dictates of common sense, sanctioned the doctrine, which had been maintained by himself and his learned friend, and he

* We refer our readers to the Trial of Thistlewood and the other Conspirators, published by T. Kelly.

had no doubt that that doctrine would be duly regarded by their lordships on looking at the various allegations in the evidence for the bill, which might have been contradicted if they were false, but which were left quite untouched by the other side. The omission, however, to adduce such evidence was not the only defect in the conduct of the cause against the bill; for what, he would ask, had been done by the witnesses on the other side? Nothing but to give some little intelligence of a short, insignificant portion of time. Mr. Hownam—what had he done for her? He declared that there had been nothing degrading in her conduct; but how were their lordships to estimate the evidence of a man, who said it was no degradation to a princess to sit with her servant, who was in the dress of a courier—a splendid dress, he said, to give a *colour and propriety to this delicate intercourse?* But two other witnesses had been called to prove the correctness of her royal highness's conduct—Vassali and Olivieri! two soldiers in the army of Buonaparte. What a delicate selection; would it not have been more dignified in her counsel not to have called a single witness—to declare that they had so perfect a dependance upon the character of their royal mistress as to scorn to call evidence in support of it? Why were not ladies, who were most competent to speak to such subjects, brought forward to testify to the general conduct and manners of her royal highness? Not one lady had been adduced, excepting Lady Charlotte Lindsay, to shew how the queen conducted herself while absent from this country. The Marchioness Sangrati was, indeed, stated to have arrived in this country, for the special purpose of giving evidence in favour of the queen, and yet that lady was not adduced. What was the natural inference from the non-production of such evidence? Upon this branch of the case indeed, his learned friends must feel that there was a most serious defect in their evidence.

"The learned gentleman next begged to offer a few observations on the testimony of Majocchi. With respect to those instances in which he had been met by distinct contradictions, they were of the most frivolous description. It was said that Majocchi had sworn that there was a secret stair-case, communicating between the rooms of her royal highness and Pergami, when, in fact, it was only a back stair-case, which also communicated with other apartments. The difference was merely a nominal one, and nothing could be more futile than to attempt to build upon it an objection to the credibility of this witness, on substantial points. It had been stated, as another contradiction to the testimony of Majocchi, that

although he had frequently at Naples waited at the table of her royal highness, when Baron Ompteda dined there, he had sworn that he did not recollect the Baron Ompteda's dining with her royal highness before she came to the Villa Villani. When Ompteda dined with her royal highness at Naples, he was only one of parties which were numerous; and how was a servant in Majocchi's situation to be expected to distinguish particularly one visitor from another? When the Baron dined at the Villa Villani, he was a solitary guest, and it was natural enough that on that occasion he should take a hold on the recollection of Majocchi.

"An attempt had likewise been made to contradict Majocchi by the evidence of Carrington, who, according to the eulogy which his learned friend, Mr. Denman, had passed upon him, had been born a gentleman. Born a gentleman! How did that phrase apply to a man, who, having the offer of being placed in the respectable rank of an officer, which might have opened his way to the highest rank in the state, and have rendered him a companion for any individual in the land, declined that offer, and became, in preference, the servant of another? Was such a choice consistent with the qualities and characteristics of a gentleman? But it had been said that he declined it because he was poor, and had no friends who could maintain him in a manner becoming such a station. What would a gentleman have felt on such an occasion? He would have said, 'Whatever be my poverty, I will endeavour by the most honourable conduct, by the utmost frugality, and by the strictest attention to my duty, to make amends for it—I will maintain my independence—I will show myself, though poor, worthy of my station; and, in spite of fortune, will command the respect of my associates.' Such, indeed, would have been the feelings of a gentleman—and such would have been his determination rather than to condescend to become the valet of Sir William Gell. In this manner did all the applauses which had been lavished on the witnesses in defence of her majesty, and all the abuse which had been poured out upon the witnesses in behalf of the bill, vanish into thin air, when closely investigated.

"After these remarks, he proceeded to call the attention of their lordships to Carrington's story. It related to a conversation respecting something which had taken place at the Villa Villani some two years before. And first, it was stated to have occurred in the kitchen, and then it was stated to have occurred in the court-yard; so that, when it was thoroughly sifted, it appeared to be no better than a mere fiction. But, before their lordships gave weight to Carrington's evidence as

contradicting Majocchi, he wished their lordships to recollect that Carrington contradicted himself; and that he was positively contradicted by Sir J. Beresford. He should refer them to the minutes, because it was material to mark the exact words of the question*. It was true that Sir J. Beresford had given him the character of an excellent sailor: he might have been so, but certainly he had not conducted himself in such a manner as to be entitled to credit in this case, much less to overturn the credit of another. There was another fact to which he wished to call their lordships' attention. It appeared, from Carrington's evidence, that another person was present during this conversation with Majocchi, and who had not been called to support his assertions. What excuse could they plead for not producing at the bar the other individual who was present at the conversation? Did not their failure to produce him show that they believed Carrington's story to be untrue? A great deal had also been said about the phrase, '*Non mi Ricordo,*' of which Majocchi had made such frequent use. A more courtly phrase had, however, been employed by the witnesses on the other side, '*Non so,*' which meant exactly the same thing. Of neither of them, however, did he complain. If, upon looking on the other side they found that persons of whom he wished to speak with respect, persons of high station and distinguished character, did not speak always with decision, but sometimes said that they did not recollect, when examined upon facts which they could not possibly have forgotten—if they found that those persons could not satisfy themselves with their recollections, but refused to swear to them positively, what argument could be legitimately urged against Majocchi's testimony, if it appeared that his memory had failed him upon facts of a comparatively trifling importance, and from whom the phrase of '*Non mi Ricordo*' had only been more frequently extracted, because his cross-examination was longer?

"Another point to which he must implore their attention, was this—His learned friend, Mr Brougham, in order to show the influence under which Majocchi was acting, asked him several questions about a visit which he had paid to a large house, which had pilasters before it, and sentinels at the gates, thereby intimating that he had been at Carlton-house. Why did he not ask him at once whether he had been there or not? It turned out, at last, that he had been there, because he was going abroad as a courier with despatches from this government. What, however, did this visit prove? That he

* See the evidence.

had, whilst there, been introduced to a person who did not understand his language, and of whose language, in return, he was quite as ignorant. He would now beg their lordships' particular attention to the questions put to Majocchi, about Camera. Now he should have supposed that Camera would have been called to contradict this conversation.

"He begged leave here to advert to something that fell from Dr. Lushington on the subject of a judgment given by Sir W. Scott, in the case of 'Loveday *v.* Loveday,' to which he (the Solicitor-General) had on a former occasion called their lordships' attention. His learned friend, Dr. Lushington, had also stated with great confidence that there was no instance of a bill of divorce being passed where the female was above 45 years of age. It would be found that no later than in the year 1816, in the cause of 'Barlow *v.* Barlow,' in the Arches Court, the plaintiff had succeeded, although the female was 46 years of age. He stated this merely to show their lordships how carefully they ought to sift the facts stated by his learned friends before they relied on them.

"It was not his intention to go at length into the evidence of Demont; but there were two points on which her credibility was supposed to be destroyed, and on which he should therefore address a few words to their lordships. She stated that her royal highness returned early from the opera, but Sir W. Gell said it was late before she returned. Sir W. Gell said that he suffered much from his infirmity while standing behind her royal highness during the opera, and that it struck him that it was very late. But look at the evidence of Mr. Craven: he said, 'I should think it ended rather later than usual.' And their lordships were to destroy the evidence of Demont on this ground. The other point was the dress worn at the masked ball. Demont did not say, in any part of her evidence, as far as he could discover, that the dress worn by her majesty was indecent; she merely described the dress worn on that occasion, as their lordships would find in the minutes. These were the two facts relied on for the destruction of Demont's evidence, and he thought it unnecessary to dwell longer on them.

"It was impossible, when talking of Naples, not to be struck with the extraordinary change which took place in her majesty's situation after quitting that place. At Naples she was surrounded by respectable persons, belonging to her own or her adopted country—such as Lady C. Forbes, Lady C. Lindsay, Sir W. Gell, the Hon. K. Craven, and Capt. Hesse. In general she was found afterwards surrounded in a most extraordinary manner. Her *dame d'honneur* was the Countess

Oldi, whose manners had been described as not very fascinating; and the other persons of her suite were Schiavini, Vassali, Olivieri, and various persons of the same description, most of them ex-officers of the armies who had served under Buonaparte. For a daughter of a Duke of Brunswick, and also the sister of a Duke of Brunswick, that was an extraordinary selection of attendants. It was strange to select men who had served in the armies which had overthrown the dominion of her father—which had insulted and triumphed over her father and her brother—that brother who, having sworn that he would never sheath his sword till he had avenged those injuries, was at that moment marching to oppose this army. Yet these were the individuals whom a daughter of Brunswick selected as her associates, withdrawing herself from the society of all the English in her neighbourhood. How was this to be explained? Could it be accounted for in any other way than by referring it to that dominion which was exercised over her mind and faculties by Pergami? This could not have been a voluntary influence. But, in order to account for all these things, they were told that her majesty had been forced into exile and banishment, and arguments had been built on the supposed truth of that statement. Leaving this country, however, was her own voluntary act. It was well known that the proposition came from herself, and was assented to, and merely assented to, by the individuals to whom it was addressed. And yet their lordships were told that all resulted from this banishment.

"In an early stage of this inquiry, appeals had been made to the reign of Henry VIII., and to the conduct of that monarch. These appeals were then thought sufficiently high for the purposes of this defence; but at last the names of Anne Boleyn and Henry VIII. became familiar to people's minds. A higher stimulus was then thought necessary; and, accordingly, in a later stage of the proceeding, his learned friend (Mr. Denman), whom he had long known, and whose character he loved and admired, thought fit to say, that in the history of the world, in all ages of either the ancient or the modern world, he knew of no parallel to this proceeding unless in the annals of Rome, in the worst period of her history, and under the worst and most infamous of her sovereigns. Her majesty had been represented to stand at present in a situation similar to that in which Octavia was placed. Now how could he answer that allegation but by showing in what situation Octavia did stand? Octavia's father had been murdered by Nero; her brother had been murdered by Nero in her presence. She herself, as virtuous and spotless an indivi-

dual as there was in the world, was accused of a criminal intercourse with her slave. There was, however, no semblance of truth in that charge; she had never advanced that slave to honours—had never slept in the same room with him. Yet, without evidence, she was convicted and sent into banishment. What then took place? A monster who had been employed by Nero to murder his mother, Agrippina, was applied to to murder Octavia. The confession was made on oath, and the proofs of it were taken. Her veins were opened; but, as they did not discharge quite enough of blood, she was thrown into a vessel filled with warm water; and her head was afterwards cut off, and sent to Rome, to Nero. (A Peer.—'To Poppæa.') That was to Nero. When he had heard this comparison made, his blood thrilled with horror, and he hardly knew where he was, or who was speaking.

"What would his learned friends say, if he, in answer to the argument founded on the boldness of her majesty in coming forward to meet the charges against her, were to quote the address of Silius to the wife of Claudius, when endeavouring to excite her to the commission of treason:—*Insontibus innoxia consilia; flagitiis manifestis, subsidium ab audacia petendum?*' He would not have dared to make any allusion to the history of this period, if he had not found these words in almost the same pages that had been quoted by his learned friends; nor did he wish these words to be considered applicable to her majesty, for in neither case did he believe there was the slightest resemblance.

"A great deal had been said about the balls at the Barona, and it was not his intention to go at large into that part of the subject. He would only request their lordships to recollect where those balls took place—at her royal highness's residence at the Barona—and that no persons of rank were found attending them but Coraccia, the ex-prefect of Como, and his wife. This was extraordinary, when it was recollected that the Barona was at the very gates of Milan. Referring again to what passed at Villa d'Este, acting with her own servant, dancing on a stage before 200 people, did appear to him to be indications of something like a degradation from her majesty's rank and station. Again, as to what was said of the exhibitions of Mahomet, he could not help adverting to the extraordinary manner in which this bill had been met; and contended that Majocchi ought to be believed because none of the servants who were alleged to have seen the exhibitions of Mahomet had been called. His learned friends had not touched, or but very slightly, on the transactions at Villa d'Este; and here he would observe, that his learned friends,

instead of calling witnesses from the Villa d'Este to contradict the facts alleged there, went to Pesaro for witnesses, to prove what was not done at Pesaro.

"He next begged to direct their lordships' attention to the evidence of Galdini. This man had gone up stairs at this house; he had suddenly opened the door, had seen her royal highness and Pergami sitting upon a chair or a sofa, Pergami having his hands, one round the neck of her royal highness, and the other upon her breasts. These circumstances having occurred, the witness withdrew, as every man under his circumstances naturally would do. What was there of improbability, then, in his account? But, if it were untrue, his learned friends had the means of contradicting it. Another witness, upon whom no comments had been ventured by his learned friends, was Galli, who spoke to the affair at the inn of Barlisina, where he was a waiter. He said, 'The company had gone into the second room. I went to go and clear the table, and I saw the baron holding an arm upon the shoulder of the princess, and, at the moment that I was going into the room, I saw the baron give her a kiss; but I did not enter, for they told me immediately to go away.' He was asked who was present on an occasion he had just adverted to; and he replied about eight or ten persons—Capt. Vassali, the Professor Mochetti, an Englishman whom he did not know, and others. Every word he had uttered upon this subject, consequently, might have been contradicted by any one of the individuals so present. Were they, then, to reject this evidence upon no better ground than that which had been assigned by Dr. Lushington—namely, that he was waiter at an inn in Barlisina? There was another fact which well deserved to be noticed, he meant, relative to the statement made about the busts at the Villa Brandi. A person came there, it seemed, to take one bust of her royal highness, and another, at the same time, of Pergami. These two busts, when finished, were placed, according to the evidence of Sacchi, in the room of Pergami. Any witness at Pesaro might have contradicted that circumstance. Their lordships could not but draw their inference from such facts as these, all tending, as they did, to one conclusion—that conclusion upon which the institution of the present proceeding rested.

"He should weary their lordships if he went farther into this evidence; and he would therefore satisfy himself by directing their attention generally to what took place during her royal highness's residence at the Villa d'Este. There their lordships would find the parties living together in the utmost familiarity; walking arm-in-arm together, like husband and

wife; going upon the lake together in a canoe; and, on one occasion, her royal highness sitting upon a bench with Pergami, and pulling him down upon it again, when he had risen to walk away; and a great variety of facts, to many of which it was not his intention more particularly to allude, after the sifting which the whole case had undergone. But he must beg to advert once more to the transactions at Catania. The house would recollect, that Pergami's room was on one side, and that of her royal highness on the other; and the little Victorine also slept in the same room with her. Now it was distinctly sworn by Demont, that in the course of the night, when she came up stairs, finding her royal highness had retired, and she, Demont, not having been called to dress her royal highness, according to usual custom, the room-doors being closed, she in the middle of the night heard the cries of the child Victorine, and the Countess Oldi endeavouring to pacify her. Demont, rising at her usual hour, about nine o'clock, remained till ten in her own room. Before she retired, her royal highness came out of the adjoining room—that occupied by Pergami—with her two pillows in her hand, for the purpose of passing into her own room. The moment her royal highness saw Demont she started, as naturally she might do, with surprise. Now, if that evidence was not disproved, and this case was proved, could his learned friends contend, for a moment, that it was not clear and distinct evidence of an adulterous intercourse during that night? Such was the conclusion to which, he thought, every man must arrive on this point. The learned gentleman proceeded to defend, at some length, the character of Demont's testimony, which, he contended, was in no way impeached by the variation it contained relative to the fact of her half-sister's having been present or absent on the occasion just mentioned. She only deposed to the best of her recollection.

"He then quoted Mr. Brougham's pledge to bring forward Mariette as a witness, and went on to argue upon the singularity of her being withheld, and the expediency of her being produced, if her majesty's counsel had no fear of the truth coming out. Mr. Brougham had asserted that she was quite a gratuitous witness, and came forward solely out of a desire for the justification of her royal mistress. No satisfactory reason had been assigned for the withholding of her; and it would be difficult for the other side to assign one. If she was not to be called for the purpose of contradicting Demont, it was impossible for any man to doubt Demont's story. The Countess Oldi would be a competent witness to prove precisely the same facts. The Countess Oldi might have proved

that her royal highness was not, during the whole of the night, out of the room which was occupied by her. This negative might have been established by two witnesses, neither of whom had his learned friends ventured to produce at the bar, though they both ought to have been confidently called, in order to disprove Demont's story. But his learned friends, by their conduct, had admitted that, in fact, that story could not be disproved; and thus had afforded the strongest possible confirmation to the testimony of the witness. Never was a case more strongly established. Here was ample evidence, not disproved on the one side, and none offered on the other side to disprove that an adulterous intercourse between her royal highness and Pergami had taken place at Catania—an intercourse of which no reasonable man could entertain a doubt.

"The learned gentleman went on to notice the case at Turin. There the witness told their lordships that he saw Pergami coming out of the room of her royal highness in his night-gown and stockings, having no other part of his dress on. There was scarcely a fact which might not have been contradicted or proved by the Countess Oldi. She entered (according to the case of the counsel for the bill) into the service of her royal highness, for the absolute purpose of assisting this illicit correspondence. In the whole course of these transactions, it resulted from the evidence that such was the position of the Countess Oldi, owing to the disposition of the apartments, that she might have disproved every case which was charged.

"The Solicitor-General then reviewed the evidence of Barbara Kress, which strongly corroborated the last testimony he had quoted. This witness swore distinctly that she saw her royal highness in the bed-room of Pergami, sitting on that bed, in a way which had been so often described. It was suggested on the other hand, that it might have been not the princess, but the Countess Oldi. If so, nobody so well as the Countess Oldi could have disproved the fact; and if it was not so, it was perfectly clear that the person must have been her royal highness.

"While they continued at the house at Carlsruhe there occurred a fact of the strongest and most peculiar character. He alluded to the cloak which was found in the bed of Pergami, delivered to one of the servants, and afterwards worn by her royal highness. No explanation had been given of this circumstance; no witness had been called, by the other side, for this purpose, nor was any explanation afforded by his learned friends. These two facts, last mentioned, materially supported and corroborated each other; and they threw a

light upon the rest of the case. Judging by the ordinary rules of evidence, he thought their lordships could not entertain a serious doubt with respect to the conclusion to be drawn from them. His learned friends had complained that they suffered greatly by the absence of the Baron d'Ende. He did not believe they had suffered; but he had as much right to say that, as the other side had to assert that the appearance of d'Ende would have assisted their case. The learned gentleman went on to contend, that a very strong case was made out of adulterous intercourse at Carlsruhe and at Milan. He then defended the conduct of Baron Grimm at Carlsruhe, who had been charged with 'running about' (which was the phrase used, merely accidentally, by the witness who had deposed to this part of the case) into the different apartments formerly occupied by himself, and then just quitted by the queen. He was occupying those rooms at the hotel, and only did that for the accommodation of her royal highness which every gentleman would do—he gave them up to her.

"The learned gentleman then said he could not leave the case without referring to a charge which had been made of a substraction of a witness. [He then entered into a recapitulation of the facts relative to Rastelli's disappearance, as they have been already stated in the examination of J. A. Powell before the house; and defended, at some length, the character and conduct of that individual, as well as of Col. Browne.]—With respect to the Milan commissioners, he must say, that no evidence had been adduced against them which was calculated to make the slightest impression, or to inculcate the smallest belief that they had not acted with the strictest purity and integrity.

"His learned friends at the other side had complained throughout the case of the difficulties with which they had to contend in the defence of their illustrious client, of the disadvantages they laboured under in consequence of the want of a clear specification of the charges, and in the absence of any list of witnesses. Had his learned friends, in point of fact, these difficulties to encounter? Had they not a copy of the charges? Had they not a list of witnesses—not only a list of the witnesses, but also complete copies of the whole of their evidence? They had also, after receiving this knowledge, a long interval, named by themselves, to prepare their defence; so far from her majesty having had difficulties to contend with from the course which the proceedings had taken, never was there an accused person brought to meet a charge with so many opportunities suffered in her favour.

He rejoiced that such was the case: when the charge was against the Queen of Britain, every facility without limit ought to be extended to her for the purpose of affording the fullest means of establishing her innocence. With such a charge he knew it did not become the house to proceed with precipitation, nor to decide upon suspicion. They ought, and he knew they would, before they passed the bill, make up their minds upon the truth of the charge in the preamble beyond all possibility of doubt.

"It was for their lordships now then to say, after hearing attentively the whole evidence in the case, whether the charge was not substantially made out against her majesty. He and his learned friends with whom he acted had now to take leave of this great question, and the long and tedious and painful labour which it had imposed upon them. They could not, however, do so without acknowledging the courtesy and kindness which they had invariably received from their lordships, and which in no small degree assuaged and mitigated the pain of the duty they had to discharge. Never came a cause into a court of justice attended by so much severe anxiety at its entrance and during its progress to a final result. Every passion had been successively applied to by his learned friends in conducting the defence of her majesty. They had indeed well and faithfully discharged their arduous duty to their illustrious client. Of their mode of conducting the defence he made no complaint; he rather rejoiced that such great talents had been exercised in behalf of a Queen of England, called upon to meet such a charge. His learned friends had indeed endeavoured to awaken all the sympathies and passions of their lordships for their client; they had even in her cause appealed to the basest of all passions—fear; they had done so too to the peers of a country renowned for its fame and valour; to them they had ventured to appeal to so base a passion. Their lordships had been told that they would commit an act of political suicide, if they passed this bill; they were again told by one of his learned friends, that they would pass it at their peril: these words hung long enough upon his learned friend's lips to be understood, though they were immediately after affectedly withdrawn. He was astonished at the introduction of such topics, for they could only have an injurious effect upon those from whom they proceeded. He (the Solicitor-General) knew well that their lordships would not dare to be unjust; at the same time he knew that what justice required they would be prepared to do, without reference to any consequences. It was not here alone that these artifices were resorted to; the same course of intimidation

had been pursued out of doors, and attempts of every description were repeatedly resorted to for the purpose of exciting apprehension. Even the name of her majesty had been profaned for these purposes; her name had been used in attacks against all that was sacred and venerable in the constitution, the sovereignty, the heirarchy, against all orders in the state. These attacks could never have proceeded from her majesty, though made under her sacred name; they sprung from those who sheltered themselves and their dark and mischievous designs against the state under the shield of her majesty's name; her majesty could never be supposed to aim an attack at the constitution; if she did, it might hereafter be said,

——————Capitolio
Regina dementes ruinas,
Funus et Imperio parabat.—

If their lordships thought the guilt of the queen clearly established by legal evidence, then they had but one duty, and that was to pass the bill. If they did not think the case made out by legal evidence, then and then alone could they, in the fine language quoted by his learned friend (Mr. Denman), say to her majesty, 'Go thy ways and sin no more.' If, however, they were satisfied by bending their minds to the whole of the evidence, looking at it with just and dispassionate feelings; if they saw no real doubt in the case, then, knowing the upright judgment of the tribunal which he had the honour of addressing, he was sure they would pronounce their decision with that firmness which became their exalted station and upright and dignified character."

BARON OMPTEDA.

Mr. Brougham then requested permission to address their lordships; he was quite aware that he had no right to be now heard, but he threw himself upon the house for permission to explain the accidental misstatements of his learned friend who had just sat down. He was most anxious to inform the house, in explanation of the interposition he had made during the pause in the Attorney-General's speech, by the introduction of the Baron Ompteda's letters. He thought this evidence was very material in two points of view. In the first place, it most distinctly and unequivocally brought home acts of agency to Francis Baron Ompteda, by whom these letters were signed. It explained away the whole effect of his learned friend the Attorney-General's observation, that of the name of 'Baron Ompteda they had heard so much and seen so little.' It was singular, but so the fact was, that he should

have got these letters almost at the instant when his learned friend was in the act of commenting upon the want of such testimony. These letters fixed an agency for the prosecution upon the Baron Ompteda, and showed him to be perhaps the least scrupulous of all the agents employed, in a case in which so few scruples were observable. These letters showed Ompteda endeavouring to employ a police-agent, with the countenance of that agent's government, to seduce two of her majesty's servants to give evidence against her. Through that police-agent Ompteda carried on a correspondence between Demont and her sister, Mariette Brun. In this correspondence the anxiety of Demont was apparent, that her sister should be retained in the princess's establishment, for what purpose their lordships might easily guess. It appeared from these documents that Demont, through the means he had already stated, kept up a correspondence with her sister. She carried it on through the means of this baron, who was the Hanoverian minister, the agent of Count Munster, and the principal person in that system of foreign diplomacy, to the machinations of which their lordships owed the task of sifting this unhappy question. It would appear from Ompteda's letters, that it was not only Mariette Brun whose assistance he required, but also Hieronymus, of whom it seemed he had even ventured to form hopes, for he thought he might be safely trusted. Colonel Olivieri he also wanted: he says, in one of his letters, "Can't you get at him." He afterwards writes—"I fear she has recently got a great number of Roman persons into her service; I should be very curious to know their names"—for what purpose he need not remind their lordships, when they looked at this baron's whole conduct. And all this was done with a *rouleau* of louis in his hand to carry on the traffic. These letters would furnish the answer to his learned friend's questions of—'where was Hieronymus?' 'Where was Mariette?' It was acts like these of the baron that involved the English ministers, in a case to the early proceedings in which he believed they were alien. The case was forced upon them by the conduct of this Hanoverian agent, and it was most material that the letters he now held in his hand should be read by their lordships. Their contents—

The Attorney-General.—"My lords, I object to the course which my learned friend is taking. It is highly irregular, after the case is closed, to proceed this way in reply."

The Lord Chancellor.—"What is it you say, Mr. Attorney-General?"

The Attorney-General said he was complaining of the

course about to be taken by his learned friend. In reply to his application he must now say that it was the most extraordinary he had ever witnessed. If he (the Attorney-General) had ventured to make such an application, then indeed his learned friend might exclaim—'Is this a court of justice in which such an application is made?' His learned friend knew the inadmissibility of his application, and therefore ought not to have alluded as he had done to the contents of a supposed correspondence which he knew could not be received in evidence. It was brought forward too after his reply, and when the case as to evidence was necessarily closed. He imputed nothing to his learned friend, who had fully explained the manner in which the letters reached him; but it was extraordinary that others should have kept back these letters until such a period. His learned friend had not said one word of the dates of the letters, or to whom they were addressed.

Mr. Brougham.—"O, I have not the least objection to read them to my learned friend."

The Attorney-General resumed, and called upon the house to observe the adroitness of his learned friend, who, when asked respecting the dates and superscription, immediately volunteered to do that against which he (the Attorney-General) was entering his protest—namely, to read the contents of the letters—*(A laugh.)* He begged to decline accepting the boon tendered to him by his learned friend. He hoped he should not be caught in the dexterous attempt made by his learned friend. He contended that it was impossible these documents could at any period be received in evidence.

Mr. Brougham disclaimed meaning to take any dexterous advantage, as it was called, of his learned friend, in proposing that the letters should be read. As he was called upon for the dates, he begged to say that one was dated the 24th of February, 1819, and the other the 6th of March following. The person through whom they were addressed was the director of the police at Pesaro, for the Roman government—a sort of agent there of what might be called the home department.—*(A laugh.)* With respect to the comments upon the evidence in the case made by his learned friend, he should say nothing, as he knew he was not entitled to make any reply. These letters would expose the whole system of tampering with her royal highness's servants, and explain the reason why her majesty's counsel had not called the witnesses whom his learned friends opposite had expressed such astonishment at not seeing. They knew that the baron had been tampering with three or four, and how did they know that similar attempts might not have been made with respect to others? It was

therefore natural that they should not have wished to call Mariette, and they now found that their anticipations had been most correct, and that if they had called her she might have turned round on them, and instead of being their witness, might have been a witness for the other side. Now he contended that the letters which he had in his possession afforded ample proof of the discretion they had exercised in this respect—

The ATTORNEY-GENERAL submitted to their lordships that his learned friend Mr. Brougham was not confining himself to the papers, but in fact replying to the speeches on his (the Attorney-General's) side. *(Hear, hear.)*

Mr. BROUGHAM maintained that he was replying to the observations which had fallen from the Attorney-General not a quarter of an hour ago. *(Cries of No, no, from several peers.)*

The ATTORNEY-GENERAL conceived it was not necessary to refer back to what passed before; it was the admissibility of those papers to which (Mr. Brougham) should confine himself.

Mr. BROUGHAM said he would confine himself to that. In Carrington's evidence, their lordships would find the following questions:—

"Did Majocchi ever tell you that Ompteda had employed some one to get the keys belonging to the princess at Como, in order to get false ones made? He did.

"Did Majocchi ever tell you that if the princess would have allowed him, he would have killed him like a dog? He did.

"Killed whom? Baron Ompteda.

"Did Majocchi state that Baron Ompteda was very ungrateful after he had so long ate and drank in the princess's service? He did."

So far there was evidence of Majocchi's knowledge that the Baron Ompteda had been an active agent in this business. There was also evidence of Maurice Credi's confession in the presence of her royal highness.

"Did Maurice Credi continue in the service of her royal highness after you saw him upon his knees? He continued in the service of her royal highness as far as Nuremberg, on the journey to Vienna."

Their lordships would also recollect that Rastelli was sent to Credi, and they must remember by whom he was accompanied, by Mr. Cooke, the head of the Milan commission. Mr. Hownam was further asked before whom was the servant kneeling, and what was his name; and he answered, "Before the Princess of Wales, and his name was Maurice Credi." Now this Maurice Credi had never been produced. He (Mr. Brougham) cared not whether he was in a Dutch fortified town, or in the fortress at Milan, or in the garden

establishment—that rural retreat, in their lordships' neighbourhood, which, though not strictly a fortress, was equally well guarded; he could not come at him in any of those places. The former he could not storm, and in the latter he could not reach him by any civil or criminal process; but if he had been produced, he would have established the fact for which he contended, beyond the possibility of doubt. As it was, he maintained that there was fully sufficient matter before their lordships to admit this, and he now asked them in the name of public justice to receive the papers which he offered. He had, he conceived, said enough to show their importance for the ends of justice; and as the question now was, whether a bill of pains and penalties should pass, ay or no, they were bound in strict justice to admit what he now offered. Whatever might be done under such circumstances in the courts below, he thought it ought not to militate against his case; but grant that it would be there refused, he contended that they could not be refused here. If their lordships proceeded upon all the strict rules of evidence, could they convict under (if their object was justice, and not to serve a party—if they wished for truth, and not the ruin of an individual) such circumstances as those before them? He wished to God that they were trying this case upon strict law, for in that event it would be impossible to affect his illustrious client; but they were engaged in legislating upon a bill of pains and penalties, enacting a private statute, and creating an *ex-post facto* law, which was to destroy his illustrious client upon such evidence as they had heard—evidence did he say?—no, there was no evidence to support it *(Murmurs within the bar.)*

The Attorney-General put it again to their lordships whether or not his learned friend had not offered those letters for the opportunity of making a speech in reply to the concluding addresses of the counsel for the bill? With respect to the nature of the evidence to which Mr. Brougham alluded, he (the Attorney-General) felt no alarm, but he maintained, that if their lordships adhered to the rules they had hitherto followed, there was not a tittle of ground for admitting the evidence. He denied also that what had been said in the evidence, with respect to Maurice Credi's begging pardon of her royal highness, was any sufficient reason for the production of those papers. As to the evidence of Carrington, he was called to contradict Majocchi; but whoever heard that what he said of what he heard Majocchi say respecting another could be evidence against that other? He then submitted to their lordships that there was no just ground laid for the introduction of these letters, though he repeated, that he was

not afraid of them as affecting his case, if they were produced. He could not conclude his observations on this subject, without complaining of this conduct on the part of her majesty's counsel, who, when they found themselves pressed, had resort to such contrivances as the present.

Here there were some cries within the bar of "order" and "adjourn."

The Lord Chancellor observed, that according to the practice of the courts below, after the reply was heard, the counsel on the opposite side had no right to offer any observations except as to cases quoted. Counsel generally, when they replied to cases, diverged a little to the reply of those on the other side, whenever they could. He did not say that they had any right to do so, or that it was strictly just, but it was generally done. With reference to the request of counsel to have those papers received, he had yet to learn what connexion there was between those letters and the evidence of Credi or Majocchi. Credi was not a witness before their lordships; and as to Majocchi's declarations respecting him, they might be evidence that he said so, but they could not be evidence of the truth of what was so said.

The Earl of Carnarvon was of opinion that the papers offered by counsel ought to be received. What was the character of the present proceeding, were their lordships aware? Was it of English or of German origin? From all that they had heard and seen, must they not feel that there were strong proofs of German agency, and that, too, agency of no very little activity, which might be traced to the ministers of the King of Hanover, and running parallel with the inquiry as connected directly with this country. When their lordships saw this, and when they found that evidence was offered at their bar to prove subornation of witnesses by German agents, in addition to evidence of subornation already before them, would they uphold their privileges as English peers, or be the instruments of the King of Hanover? If their lordships proceeded to a final deliberation on the bill without inquiring into this apparent conspiracy, they would be guilty of a total dereliction of their duty, and of manifest injustice to the illustrious party accused.

The Lord Chancellor now put the question, whether their lordships would receive the papers offered, and it was carried in the negative.

The Duke of Hamilton expressed his regret that his noble friend (Lord Carnarvon) had not concluded with a motion that the papers offered by counsel should be received. He confessed that, when he saw what share had been taken in

this affair by the Hanoverian minister, he did suppose that there would not exist a wish but to examine farther into it. In order to substantial justice, he thought those papers ought to be received, and with that view he should conclude by moving that the papers offered by counsel should be admitted; and he should take the sense of the house upon it.

Earl GREY observed, that the learned lord on the woolsack had stated, and he agreed with him that the papers offered would not be evidence in the courts of law. In that case the question was how far they were so material as to render a deviation from their usual practice expedient? He did not think so; and, therefore, however reluctantly, he would vote against the motion.

The Earl of CARNARVON was sorry to differ from his noble friend on this or any point, but in every view which he took of the motion he thought it ought to be complied with. Their lordships were not then sitting merely as a court of justice. Their present occupation was of a mixed character. They were acting at once as judges and legislators. He would admit with his noble friend, that as judges they might be confined to the ordinary rules of law; but could they as legislators consider themselves bound by those rules? Would they as a jury pronounce a verdict, where they knew that evidence was at hand which would more fully explain the nature of the case before them:—would they, he asked, come to a decision without going into such evidence? As judges, they might perhaps be bound by rules which would exclude such evidence, but this did not apply to them in their character of legislators. Could their lordships think of coming to the horrible vote without hearing what was offered on this most important subject connected with the case—could they aid the hand of power extended to crush an individual, and then shelter themselves under their mixed characters as judges and legislators? He hoped for the sake of honour—of justice, they would not. Let them recollect that the eyes of their country, that the eyes of the world were at this moment fixed upon them; and without shrinking from the performance of their duty, let them take care that justice was done to the people of England—that justice was done to the illustrious accused which it was their duty to do, and which their country expected from them. He concluded by declaring his full concurrence in the motion of his noble friend.

Earl GROSVENOR felt regret at being obliged to differ from his noble friend who made the motion. At first he was induced to give it his support, but when he recollected that the general principle upon which it went was already decided,

he thought it better that it should not be urged in this stage. At another time it would be the subject of investigation, and then he should have no objection to enter into it fully.

Lord HOLLAND said he wanted not, after so long an inquiry into the conduct of the queen, to be led into an inquiry as to the proceedings of Hanoverian ministers. Those however, who proposed to say content to the second reading of a bill like this, were bound to assure themselves that it had been brought forward by just, legitimate, and constitutional means.

The Marquis of LANSDOWN agreed that the evidence in question was not admissible, in consequence of the rule which they had themselves previously laid down. But it was one thing to say that the evidence in question formed no material part of the inquiry, and another to say that, in accordance with this rule, they were prevented from receiving it. It was evident that this circumstance would entitle the illustrious person accused to a favourable consideration on the second reading of the bill, but he felt himself compelled to negative the present motion.

Contents - - - - - 16 | Non-contents - - - - - 145
Majority against the motion - - - 129.

FORTY-SIXTH DAY, TUESDAY, OCTOBER 31.

SECOND READING OF THE BILL OF PAINS AND PENALTIES.

AFTER the usual preliminaries, the LORD CHANCELLOR, from the opposition side, thus addressed the house:

"My Lords—The question which we are now called upon to decide, notwithstanding all that has passed in the course of this proceeding, the only question on which you are now to judge, is, whether this bill shall, or shall not, be read a second time. Suggestions have been made as to alterations in it, which would make it of a different nature; but I do confess, that, considering the practice of the house, founded as it is upon sound principles, there is no other question to the decision of which you can now address yourselves, except the question, 'Shall or shall not this bill be read a second time.'

"My Lords, the ordinary course of proceeding on bills which may, in some respects, be likened to this (I mean divorce bills), is, that you hear the proofs of the allegations contained in the bill, you hear the other side, and then the in

dividual who has the honour to sit on the woolsack, retires from the table to the woolsack. If he be of opinion that the facts alleged are true, he intimates his opinion; if any noble lord is of a different opinion, he declares it; and the question is discussed, and decided by a divison, if necessary. But if there is no noble lord of a different opinion, then, as a matter of course, the bill is read a second time. Upon looking into the precedents, I apprehend that your lordships may be assured, without my stating any doubt upon the subject, that the preamble of the bill is usually postponed; and before the question is put, it is quite competent for it to be altered, and you will find instances where the preamble has been amended; and you may also amend and alter the enactments, if it is deemed expedient. But I should conceive the character of the principle on which that proceeds is, that you cannot alter the preamble of a bill, or its enactments, except for the purpose of mitigating the effects of the enactments at first contained in the bill.

"In addressing you now, my lords, and I am sure I speak with a sincerity that distresses me extremely, nothing in the world would induce me to trouble you, if I did not feel that in the situation in which I stand, I should be shrinking from a public duty if I were to attempt to retire from so doing. There are many considerations—many indeed, which would have induced me, I am sure, not only to withdraw, but not even to come near this discussion, if I did not feel impelled by a sense of duty, which I trust in God is a right one, to discharge it, and therefore I will. I take the liberty also of saying, that I think no man can vote for a second reading of this bill, if he does not think the substantial parts of this preamble are proved. I state it as my humble opinion—as the opinion, however, which must govern me, that unless I am satisfied an adulterous intercourse has taken place, I cannot vote for the second reading of this bill. I say further, I do not think any noble lord can vote for the second reading of the bill, if he is not so satisfied. Having so stated, I shall now refer to the evidence. I shall not go much into detail of it, because there is no duty imposed on me to what is called 'sum up the evidence;' but my duty is to state my opinion, and in that statement to refer to those parts of the evidence on which that opinion is founded. We are judges, we are jurors; and in the discussion we are about to enter upon, it will not proceed upon a summing-up of the evidence, but upon the ground and principle of declaring to each other our opinions, and discussing the ground on which those opinions are founded.

[Here his lordship attempted a justification of the principle

of bills of pains and penalties generally, and of its applicability in this case.]

"A complaint has been made, that in the progress of this proceeding, the defendant has not been furnished with a specification of the charges, and with a list of the witnesses by which those charges were to be supported. I mention this because it has been urged, that, in consequence of this omission, the party or person accused has been placed in a situation of difficulty. Now, my lords, I say, when it shall appear that any such difficulty shall have existed, it is your duty to give to the party accused the benefit of that fact, and proportionably to incline in her favour. But, at the same time, we ought not to raise a difficulty where none really exists. My lords, I ask, in what way possible could these charges have been so usefully communicated as in the course of the inquiry, or in what way could the list of the witnesses have been communicated so effectually as by producing those witnesses at your lordships' bar,—and then postponing the defence, which the party accused was called upon to make, to that period to which that party might choose to postpone it? I am prepared to admit that the immediate cross-examination of a witness may be desirable—and with regard to Rastelli, I have already expressed my opinion. But then, I say, that the loss of immediate cross-examination is greatly compensated by the advantage of the defendant hearing the whole of the charges against her, and then chusing the period when she shall be disposed to answer it.

"My lords, in this case it seems to me, that you are bound to attend to the great principles of British justice—principles which are inseparably connected with every part of our constitution.—You are in this, as in every other case, to consider the accused as innocent, until proved to be guilty. It is your lordships' bounden duty also to pronounce the party innocent, unless you are perfectly satisfied that she has been proved guilty. My lords, you are likewise, in looking to the nature of the evidence, to consider the difficulties which belong to this case. My lords, you will recollect, that it has been urged that there has been, or may have been, and taken for granted that there has, much more facility with respect to those who produced the witnesses in support of this bill, than there has been on the part of those whose duty it was to produce the witnesses in answer to the bill. If, my lords, you think that this circumstance has existed, in that case the accused ought to have the benefit of it. My lords, you have likewise again to look at the charges which have been brought against the witness Rastelli. These charges may have been

THE LORD CHANCELLOR.

Sketched by A. Wivell *& Engraved by* T. Wright.

London, Published by Thos. Kelly, 17, *Paternoster Row, Jany* 27. 1821

founded in mistake, or he may have used his influence to induce particular persons to give testimony at your lordships' bar. If your lordships think the charges well founded, that is a circumstance also of which the accused is entitled to the benefit; and so with every other circumstance which shall excite a reasonable and just suspicion in your lordships' minds as to the evidence which has been brought forward in support of this bill.

"But, my lords, the rule by which I have formed my opinion is this: laying aside all the testimony in this case which can be suspected, I have addressed to myself this question, 'Does the unsuspected evidence produced on the part of those who have supported this bill, and the testimony which has been given in answer to this bill—and laying aside all doubtful evidence which has been submitted on both sides entirely out of my consideration, I ask myself—'does the evidence which stands unsuspected in support of the bill, and uncontradicted by that called in the defence, taken altogether, sustain the allegation of an adulterous intercourse, or does it not?' It is upon the view of the case, which I have taken in this way, that I shall deliver the opinion, which, after the most painful attention, I have been induced to form. I apprehend, my lords, at least, so it seems to me, that if you look to one or two of the cases or circumstances which have been proved—if you look to the circumstances which have been proved by witnesses beyond suspicion, and to whom suspicion has not attached during the whole of this case—I say, my lords, if you look at the case in this point of view, that it does appear to me, and I am sorry to say it, that you cannot draw from this evidence any other conclusion than that there has been an adulterous intercourse.

"With respect to contradictions, and the contradictions which it may be said have been given to the evidence, it has been my duty very frequently to consider the effect which contradictions may have in summing up the judgment, if I may use the expression, in cases which have come under my observation. It may often happen, in the course of a trial, that circumstances are proved which may have no effect upon the real question at issue; and it may also happen that facts are alleged which it is impossible for any party to contradict. But in cases were persons are called who speak to a particular fact, other persons being present, and no contradiction is given with respect to that fact, (those persons being within the reach of the party whose interest it is to disprove the fact), then, it appears to me, that the circumstance of these persons not being called, amounts to a tacit admission that

the fact so charged is incapable of contradiction. Now, my lords, give me leave for a moment to lay out of the case all the evidence which has been called in support of this bill—to lay out of the case the evidence of Majocchi and Demont—(and when I desire that these persons may be left out, I am not presuming, nor meaning to admit, that both of these persons may not, in many circumstances, have spoken the truth)—but lay out of the case the whole of this evidence, and travel with me to the polacre. Now, my lords, who went on board the polacre with her royal highness? There were Schiavini, Heironymus, Bronn, the Countess of Oldi, Carlino, Camera, and William Austin. I think that your lordships will feel with me, that if we were trying the mere question, whether Pergami and the princess slept under the same tent, or awning, whichever you please to call it, there could be no doubt on the subject. If that were the mere matter at issue, your lordships could feel no difficulty in deciding that such was beyond all doubt the fact. I have forgotten to mention that this was proved by the evidence of Flynn and Hownam, as well as by the witnesses for the prosecution, so that no doubt can remain. Now with respect to the evidence given by the witnesses Paturzo and the captain, I do not know that any observation has been made on it, but with respect to the compensation they are to receive for coming here.

"As to the pay which Gargiulo and Paturzo are to receive, I think it right to say that you cannot have foreign witnesses brought to your bar, without dealing with them differently from the manner in which you treat your own, for you have no compulsory means of bringing them before you. It is therefore necessary to pay them for their time, as otherwise you could not expect them to come. Witnesses who are not foreigners, can be compelled to attend without receiving any remuneration for loss of time, the law (I will not say whether wisely or not) having only taken care of physicians and lawyers in such a case, and they alone can claim to be allowed for loss of time. Looking at this, then, give me leave to suppose that Gargiulo and Paturzo prove the fact (I put it as an hypothesis) that the queen and Pergami slept under the same tent for five weeks—supposing this to be true, how easily might they have been contradicted by other witnesses. This, however, instead of being contradicted, has been confirmed by Hownam and Flynn; and not only have they confirmed it, but the manner in which the proof was obtained from them at the close of their testimony, proves, from the reluctance with which they stated the fact, how important it was in their

estimation. If Pergami had not reposed with the queen, this could have been proved by every one that I have named. Who slept below while they were on board the polacre? Countess Oldi, the servants, and all the persons whom I have mentioned, and therefore, as they have not been called, I will ask, is it possible for any one to say that we have not positive evidence that Pergami did not sleep below during that five weeks which the witnesses for the prosecution stated him to have passed under the tent. It is to be sure quite a different consideration, whether sleeping under the tent, from that and various other circumstances proved by unsuspected witnesses, their lordships would be justified in drawing the inference, that the act of adultery had actually taken place. Your lordships, however, will feel it to be your duty to keep in mind what has been sworn to have taken place at Aum, and you will also bear in recollection the measures taken to secure the contiguity of the bed-chambers of her royal highness and Pergami, at almost every place which they visited.

"In the circumstances of familiarity which have been sworn to, there is no proof of adultery, but as these may seem to lead to that intercourse which the parties are charged to have carried on, you are to bear them in mind, as well as all the proofs of the elevation of Pergami: nor are you to confine your view to the elevation of Pergami himself, but you must look to the extraordinary elevation of all the individuals of his family. Your lordships will not overlook the very important fact of the introduction of the Countess of Oldi to the establishment of the princess, as a person of quality, without any of the suite being possessed with a knowledge of her being the sister of Pergami. The introduction of this person was a most extraordinary circumstance. It is strange, and, in my mind it is a strong fact against the accused, that the Countess Oldi was thus placed in the intermediate situation which she was to fill, between the queen and Pergami, with this caution and concealment. I would now direct your lordship's attention to the evidence of Gargiulo. It will there be found, that after speaking of the distribution of the cabins on board the polacre, on the outward voyage, certain alterations were made with respect to the cabins, by order of her royal highness, and such a change was made, that the queen could see Pergami in his bed when she occupied her's, and be seen by him from his. This testimony has not been disproved.

"I will now call your attention to part of the evidence of Mr. Flynn. He states that on the outward voyage, the arrangement and distribution of the cabins were left to him. He states the situation in which the different persons in the

suite of her royal highness slept on the passage out; he knows where every one of them slept on that voyage. Now, I say, read his evidence through and ask, how is it possible that this man should give such direct evidence on this subject on the outward voyage, and yet know nothing, or nearly nothing, of the arrangements made for the voyage home. Looking at this, and remembering how the fact has been proved by other witnesses, can any inference be drawn but one—namely, that the parties did sleep under the same tent or awning together. In the evidence of Hownam, I remark the same backwardness to speak on this subject. How often was he asked where the parties reposed, before he admitted that the queen and Pergami slept under the same tent. If there existed any necessity for this, to account for it in a manner creditable to the accused, would not these gentlemen cognisant, as they were, of the evidence which had been given on this subject, have stated it to the house? If it were necessity that dictated such an arrangement, and that necessity were known, how came those witnesses to have such difficulty in communicating all they knew on this subject to the house?

It has been positively sworn that her royal highness and Pergami had been seen seated on a gun and on a bench on the deck of the polacre, with their arms round each other and kissing, and this has not been contradicted. Permit me to say, unless I have greatly misunderstood the divorce cases that have come before me (but few such cases have been before me in the lower courts, though more than I could have wished) the adultery has always been inferred when there has been proof that the parties have slept together in the same place for five or six weeks. The whole of the circumstances are to be taken into consideration. The proofs of what, in the language of the law, is called the *tempus* and the *locum*, are to be kept in view, it being always remembered that the question is not, whether the parties have been seen in the act of adultery, but whether, under all the circumstances, the inference does not necessarily arise that an adulterous intercourse must have taken place.

"If you look at the evidence, you will find it stated that the tent was lowered by day, while her royal highness and Pergami were under it. Gargiulo was asked by whose directions this was done, and his answer your lordships will remember was, that the tent had been lowered by directions from Schiavini. Now, I beg to ask, if the evidence of Gargiulo and Paturzo ought all to be thrown away, in consequence of the bargain made to remunerate them for coming here, when it is clear that they could have been so easily contradicted, if

what they had stated was other than the truth. He (Gargiulo) was asked who gave the orders for lowering the tent during the day, and he answers Schiavini. Did Schiavini give such an order, or did he not? If he did not, why was he not called to contradict Gargiulo? As this has not been done, his absence must be regarded as tending to confirm the evidence of Gargiulo and Paturzo. Can you find in the evidence any fact proved that made it necessary for the tent to be let down in the course of the day? If no necessity is proved to have been acted upon, what could be the reason for shutting up the tent two or three times during the day, and of their retiring beneath it for an hour, or an hour and a half together The weather at this time is said to have been perfectly calm—the air so light as scarcely to ruffle the tide. Then where, I ask, could be the necessity for thus letting down the tent during the day?

"I cannot consume your lordships time by going through all the evidence; but I must call your attention to facts which could have been so easily contradicted. You, I hope, will turn over in your own minds what has been stated with respect to the awning or tent on deck, and the apartments below. Why were not those who slept beneath the deck called? It was said their nerves are too delicate to meet a cross-examination. This excuse for their non-appearance your lordships can never admit as a satisfactory reason for their not being brought before you. It is, however, right to state, that the circumstances on board the polacre are not to be taken by themselves.

"Your lordships will give me leave to call on you to look a little at the case at Aum. Allow what you please for the fatigue of the journey, and the situation her royal highness was placed in at the time, and then I will ask, what could possibly induce a person of any pretensions to character, having one tent within another, to have a man to repose with her in the inner tent. She had Theodore Majocchi on one side, and Carlino (who has not been called) on the other. She was therefore perfectly secure from danger; and I will therefore ask, what possible occasion could there be for Pergami being taken into the inner tent? Without him she was sufficiently protected, for here there was no tossing of the sea—no heaving of the ship to make his services necessary.

"Then, my lords, as to the character, the merits, and the qualifications of the person raised to such pre-eminence and consideration, how are we to account for such an extraordinary promotion? There is a great difference between the case of a person promoted after a life spent in labour, in

fidelity, and in the meritorious discharge of important services, and the case under consideration. It is one of the great blessings of the constitution under which we live, that the highest situations in the country are accessible to those whose merits, and whose talents, render them worthy of pre-eminence. But that view of the subject is wholly inapplicable to the case of the individual alluded to—who has not only himself been raised to this high distinction, but every member of whose family, with one exception only, has shared in the prosperity which has attended him. Look, my lords, to the evidence of Mr. Craven, and Sir William Gell, and Sicard. Sicard, who gave his testimony in a manner which, I think, did him great credit, states to your lordships the manner in which this man entered her majesty's service, and the nature of the advantages he was taught to expect. He told your lordships that Pergami was engaged as a courier, to go merely to Naples, with a promise of recommendation, if his conduct was approved, but nothing more. Mr. Craven's evidence upon this point, was, that Pergami was told he might hope to be promoted, and Sir William Gell, that he might hope to be considerably advanced. But, my lords, was this all that happened to this man—did he remain in that state of humble hope and expectation. I ask your lordships, whether in the world there was ever such an instance of promotion as this case presents—where the whole family of this man, with one exception, and that his wife, is raised to distinction and affluence? The conclusion to be drawn from such a state of things, I leave your lordships to judge.

"You find from the proceedings in support of the bill that there are eight or nine witnesses, every one of whom, with reference to the facts to which they deposed, remains uncontradicted; and there is no impeachment of their general character, or their particular conduct, unless you act upon bare suspicion, suggested in argument and observation. There appears, however, in point of evidence, no ground upon which you can safely act in saying, that they are not to be believed. Why, then these witnesses speak to acts of familiarity, which undoubtedly in many instances may exist, without any act of adultery having been committed; but which when coupled with the opportunities afforded for the commission of the act, from the contiguity of bed-rooms and other circumstances, are such as must lead the mind of every man of plain sense and common understanding to the irresistible conclusion that a criminal intercourse had taken place. This inference must always be drawn under such circumstances as have been proved in evidence.

"But, my lords, I wish to know why is not Pergami himself produced? It is said, he cannot be produced. That I deny. I say he might be produced; and in the case that has been alluded to in the course of this inquiry, Major Hooke was produced. My lords, you have had cases at your lordships' bar where the adulterers themselves have been called to prove the adultery. Then, I ask you, what are you not to infer, not only from the absence of every member of this family, and of all other witnesses, to prove innocence, but from the absence of a man who, if he were innocent, has imposed upon him an obligation to which no individual was ever before subjected—an obligation imposed upon him by all the mighty favours he has received, by all the circumstances of benefit he has enjoyed—an obligation, of a nature the most transcendant, to come before your lordships as a witness on behalf of his illustrious mistress? If then he might come—and if he has this powerful obligation pressing upon him to come—I ask, why he did not come?

"There are many circumstances in the case to which I have not alluded, and to which I do not mean to allude. But, referring to the leading features of the case—referring to what occurred at Sinigaglia, at the Villa d'Este, at Trieste, at Carlsrhue, and in Catania, and attending to the evidence of all the witnesses who have been examined in support of these leading features—attending to the acts of familiarity proved, and not attempted to be denied—attending to the extraordinary promotion of this man, and every member of his family, with one exception—and, lastly, attending to the evidence of what occurred on board the polacre, I cannot withdraw myself from what appears to me to be my imperative duty, namely, to express my firm belief that an adulterous intercourse has taken place. I express this opinion, because the conclusion is perfectly consistent with the case stated and the facts proved, taking for my guide that principle of the law laid down, that the circumstances must be such as that a reasonable and plain man, addressing himself dispassionately to the consideration of the case, cannot doubt of the guilt imputed.

"One word more, and with that I shall close what I have to address to your lordships. As to what has passed within these doors upon this case, I am disposed to say nothing; neither will I take any notice of what has passed out of doors, because I am not supposed here to know it—but I will say this, that whatever has happened, or whatever may happen, I will do my duty here according to my sense of duty. I was sorry that your lordships should have heard at your bar, from the mouth of a learned advocate, something like a

threat as to the consequences which might follow the decision of this case in favour of the bill. Such a threat I am persuaded will have no effect upon your lordships in the faithful discharge of your duty; and that whatever may be your decision, you will feel it imperative on you 'to be just and fear not.'"

Lord Erskine commenced by expressing his concurrence with the noble and learned lord on the woolsack, that their lordships ought to come to the discussion of the great and important question, which then occupied public attention, with the utmost temper and impartiality. "His noble and learned friend had not, however, exhibited the best specimen of impartiality which he had recommended, for, with the exception of the witness at Trieste, he had believed all that had been sworn by the witnesses on the part of the prosecution, and had carefully kept out of sight all that had been deposed by the witnesses on the part of the defence, except where it related to the rapid rise and promotion of Pergami. His noble and learned friend had likewise implored them not to allow themselves to be influenced by any extraneous causes, but to despise, as unworthy of notice, the clamour and opposition of the people. On that point he could not agree with his noble and learned friend; for the question on which they were called to decide was not a judicial, but a legislative one. If it were a judicial question merely, he would say that their lordships ought to be prepared to do justice at all hazards: they ought to adopt, as a rule of their conduct, *fiat justitia, ruat cœlum*. But though, in courts of justice, the popularity of the question, the opinions of the people, their notions of the justice or injustice of particular actions, ought to be carefully disregarded, still, in a court of the mixed nature which he was then addressing, where they were assembled partly to judge and partly to legislate, it was their duty to consider the effect which their judgment was likely to produce on the nation of which they formed so distinguished a part.

"Immediately after the death of his late majesty, and before her royal highness was apprized of the commencement of this business, he had been of opinion that her name had been improperly struck out of the liturgy, and herself unjustly deprived of the prayers of the church by the agency of his majesty's ministers. His noble and learned friend, however, seemed to have forgot that incident, or else he could never have said what he had said upon the present occasion—that nobody ought to be considered guilty before they were proved so—that the scales of justice should be held even—and that no opinion ought to be expressed against the accused previously to the time of trial. The bill, as it at present stood, was a

measure totally unprecedented, and from the bottom of his heart he trusted that they would never have cause to repent of the precedent which they had established; for how did the case stand? Certain papers were sent down to the House of Commons, and that house, with the papers before them, came to a resolution; and those members of it who represented the government there, agreed in the resolution, that the question which they were then debating, the inquiry they had just concluded, was one that was derogatory from the dignity of the crown, and injurious to the best interests of the people; and and that resolution was urged on the grounds that contamination of the public morals would certainly ensue from it. Were then the people, whose representatives had concurred in such a declaration as he had just described, to be condemned and despised, because they surrounded their lordships, complaining of the injustice which had been done to their queen, and the injury which had been done to their morals? When this resolution had been passed, the house immediately resolved to address her majesty with all the respect due to her elevated station: a deputation was appointed to carry up that address, and an individual of no slight weight and respectability in the country, formed a part of it. Her majesty refused to accept the address of that house, on grounds which could not be questioned. She stated, in her reply, that an entire reconcilement of the differences between herself and his majesty, effected by the authority of parliament, on principles consistent with the honour and dignity of both parties, was still the wish dearest to her heart; and she further added, that, as an accused and injured queen, she owed it to the king, herself, and to all her fellow-subjects, not to consent to the sacrifice of any essential privilege.

"Now he asserted that by that answer her majesty showed her readiness to accept any terms which could have been offered her that did not compromise her innocence: it was therefore the duty of his majesty's ministers to have restored her name to the liturgy, from which they had so unwarrantably erased it, if they wished for the success of that resolution to which they had voluntarily become parties: it was likewise their duty to have done so, if they were of opinion that no prejudice should be suffered to go out against her majesty until she was proved guilty by a fair, open, and impartial trial. But, instead of acting in such a manner, they had perilously persisted with their bill of pains and penalties, though the other house had clearly shown its hostility to any investigation; and the question of their lordships' deliberation then was, whether they would read it a second time, only to read it

a third time, and send it down to the House of Commons to pass it? Could they be weak enough to expect that the House of Commons—which had declared it would not inquire, much less impeach—would calmly submit to their lordships' sending down to them a bill to dishonour them—a bill which called upon them to rescind a vote to which they had formerly come almost unanimously? He was afraid of the consequence of the two houses being at issue on this question.

"His lordship then proceeded to argue that, if the preamble to the bill of pains and penalties were proved, an impeachment would have lain against her majesty. Could it be said that adultery committed by the king's wife, beyond the seas, with a foreigner, was not a high crime and misdemeanour? If it was not so, what was it? It had been stated, that it was upon a long adulterous intercourse their lordships were to decide. This he denied, and he made the denial in the face of all England. This intercourse was stated to have been carried on for a series of years. But now it seemed that this long intercourse—all those indecent and disgusting familiarities—were put out of the question, and the whole confined to what occurred on the deck of the polacre: so that all those licentious, scandalous, and disgraceful acts attributed to her majesty, were all to be comprised in her having slept under the same tent with her chamberlain; and this was proved by two witnesses, who were, in fact, no witnesses at all, which his noble and learned friend the Lord Chancellor would find, if he went back to the evidence which bore upon this part. Even if their lordships believed the account of sleeping under the tent, where did that prove the alleged adulterous intercourse? What was the impression with respect to this point by those who spoke of it? The fact had not so impressed itself even on the mind of Gargiulo—that witness who came here half by compulsion, and partly to get a reward which he never merited—the witness who came to receive 6,000 dollars had the impression of even this witness borne out the facts? He would not say that what one man or another thought would be evidence, for men might think differently on such points. But though the question on this case had been overruled, the answer came out from a witness (Hownam, we believe) that the sleeping in the tent, under the circumstances stated, did not convey to him any impression of improper conduct.

"He now came to another part of this case. (Here his lordship adverted to the examinations of witnesses before they were brought to this country, and to the abstraction of Ras-

telli; but in so indistinct a tone that only the general tenour of his remarks could be collected below the bar.) We understood him to say that he did not impute any blame to particular individuals, for to examine witnesses beforehand was a constant practice: he did not mean to condemn the conduct of Mr. Cooke; but if it was an angel from heaven who had been engaged in this business, he would still ask, had it been properly conducted? He contended that the absence of Rastelli, at the moment when his evidence was of so much importance, was a circumstance which ought to have been closely examined, and their lordships should have had the fullest inquiry into it before they went further. It was remarkable, that notwithstanding the various acts charged upon her majesty, and the number of witnesses called in support of them, his noble and learned friend (the Lord-Chancellor) should have confined himself to one. Good God! if he (Lord Erskine) were engaged in a case, in which all the principal witnesses had failed, would he be justified in continuing to urge it? What ground, he would ask, was there for giving up the transactions at Naples? It was admitted, that before her royal highness went to Naples her conduct was unimpeachable. There her first criminality was said to have taken place. How was this described by her royal highness's own attendants? The first and second night she was attended by Sir William Gell and Mr. K. Craven. Both of those gentlemen came home with her the second night at a late hour, after having been in waiting for the whole evening. Yet with such testimony, which could not be doubted, on their lordships' minutes, what had the woman Demont sworn—that woman, who was contradicted by her own evidence, as he should afterwards show? She swore that her royal highness came home early, that she appeared agitated, and dismissed her (Demont) sooner than her usual time. She also swore that on the next morning the small bed remained unoccupied, and that the large one, in which she assumed her royal highness slept, was quite disturbed, as if slept in by two persons. Now, if this account were to be believed, there was clear evidence of an act of adultery. How then, with such a strong fact before him, could his noble and learned friend (the Lord Chancellor) have abandoned this part of the case? How could he have taken no notice of it, though this woman was one on whom the whole case was said to depend?

"Their lordships, however, had this woman's testimony in support of the adulterous intercourse before them—this chambermaid, who had been the unwilling witness to so many abominations, to such disgusting and disgraceful scenes, to all

the filthy circumstances which were said to have occurred on board the polacre—and with all this, strong as it must have been in her memory, if it were true, what was the account of her royal highness which she gave in her letter to her sister, whom she was most anxious still to continue in her royal highness's service? She says, in part of that letter, 'How often in a numerous circle, whilst, with all the enthusiasm which animated me, I enumerated her great qualities, her rare talents, her mildness, her patience, her charity; in short, all the perfections which she possesses in so eminent a degree; how often, I say, have I not seen my hearers affected, and heard them exclaim, 'How unjust is the world, to cause so much uneasiness to one who deserves it so little, and who is so worthy of being happy!' In another part of her letter she advised her sister to imitate her (Demont's) example, and not to marry, but to remain in the service of her royal highness as long as she should please to keep her. This was the account she gave of the woman whom, if her oath was to be believed, she must at the time have known to have abandoned all the decencies of her sex; and yet, knowing this, she advised her young sister to remain in her royal highness's service.

"Now he asked their lordships, if this woman had given her evidence in any of the courts below, and that such a document was afterwards produced in her writing, would her testimony be relied on for a moment? But her account was not only inconsistent with itself and with her former declarations, but she was directly contradicted by others. She was directly contradicted by the witness Martini as to the declarations respecting her royal highness. She was recalled, and asked whether she had ever made any declarations of her belief that her royal highness was surrounded by spies, which she denied; but Martini proved most satisfactorily that she had made such a declaration to her in the presence of others. He (Lord Erskine) should be glad to learn what reliance a court of justice would place on the testimony of such a witness, if not corroborated by other evidence, and that of an unimpeachable character. If the witness had only contradicted herself on immaterial points, it might not affect her general credit; if her contradictions were only on collateral matters, she might be believed in the main story. This was the case with Lieut. Flynn; he took notes of what occurred on a voyage. Those were first written by another, afterwards copied by himself, and then written out by a third party. It was upon these that his confusion arose, and that confusion was increased by his indisposition. But this affected no material part of his story. Was this the case with the witness

Demont? Was it only on trifling points that she was contradicted? Their lordships would recollect that she was contradicted by herself and others on matters on which, if she wished to tell the truth, she could not be mistaken. Her object was to prove her royal mistress guilty of the adulterous intercourse. To this she swore, after her having made such declarations to the contrary as he had pointed out in her letter. Here, then, she was directly contradicted out of her own mouth, and their lordships knew how great a difference there was between a witness contradicting himself and being contradicted by others.

"He would now pass from this witness, whom he looked upon as dead and buried in her own contradiction, and proceed to another part of the case. Great reliance had been placed on the elevation of Pergami. He would admit (as we understood his lordship) that if the indecent familiarities which were alleged, but which he did not think were satisfactorily proved, had taken place, that elevation would become a just ground of suspicion; but, even admitting them for a moment, did they prove the guilt with which her majesty was charged? He could not look upon the elevation of Pergami in the light in which his noble and learned friend had viewed it. Those marks of distinction conferred on Pergami were certainly marks of great favour, but were they in themselves proofs of her majesty's guilt? Her majesty, it was said, had gone so far as to institute the order of St. Caroline (whether with or without authority he would not stop to inquire), and to confer the first rank in it on Pergami. This was said to have occurred on her royal highness's visiting the Temple of the Resurrection—and certainly, on looking to that circumstance, he took the fact not as proof of guilt, but as moral evidence of the contrary. They had just then visited the spot where the Saviour of the world had bled for mankind, and in commemoration of that visit her royal highness instituted the order with which she invested her principal attendants. Taking into consideration the time, the place, and the cause of this transaction, he thought that, instead of its affording any evidence of guilty intercourse, it was, in his mind, a strong proof of the existence of directly a contrary feeling in the mind of her royal highness.

"He now came to the evidence as to what occurred on board the polacre—to the sleeping under the awning or tent; —and here he would observe, that, if the evidence went to show any instances of her royal highness passing from her room to the bed of Pergami, it would, if on creditable testimony and unexplained, be presumption of guilt; but the case

was quite different on board the polacre, and, of course, the same presumption could not follow. When first the parties went on board, there was an arrangement of the beds, which was, on all hands, considered unobjectionable: afterwards that was partially changed, in consequence of a surgeon coming on board. The beds were at this time below. Now he would ask their lordships, if an adulterous intercourse was sought for by her royal highness, would she not have continued the beds below, where intercourse of that description would be less open to observation? Instead of this, what took place? Her royal highness went on deck, where her actions were not only exposed to the observations of her attendants, but also to those of the whole of the ship's crew. The tent opened on the deck; and, besides, there was an opening from below, to which the suite had access. But it was said that her royal highness was attended in this tent by a male attendant. Good God! was that circumstance to be taken as proof of adulterous intercourse? What was to become of society if a woman having a male attendant was to be taken as a proof of her guilt? Was it not a matter of every-day occurrence that women were attended in their rooms by men, and also men by women; but who ever inferred guilt from that circumstance? Taking, then, the whole of what occured on board the polacre—and it seemed that upon the tent-scene the whole case was rested—he contended that there was nothing in it which could support the statement of the preamble. If the whole of her majesty's conduct were taken together, it did not amount to a proof of the preamble; but all her majesty's acts, whether of 'private or public' character, had been abandoned by his noble and learned friend, except those which took place in the polacre.—(The Lord Chancellor here signified his dissent.)

"The noble lord next adverted to the evidence of Majocchi, which he said was positively contradicted in most material parts, as he would show, independently of his contradictions of himself. He was contradicted with respect to the ball and supper. After he described the queen as having passed twice through his room to that of Pergami, he denied at first there was any other passage by which she might have gone. [Here his lordship read some of the questions put to Majocchi.]

He was then proceeding to notice the contradiction given to this account, and to contrast Majocchi's evidence with that given by Dr. Holland, when his voice suddenly ceased. The pause was not particularly noticed at first, as it appeared as if his lordship were looking over the minutes placed on the

table before him; but after some time had elapsed, without resuming his speech, some of the peers became alarmed, and rose from their seats to proceed to his lordship. The anxiety of the whole house was now aroused, as the noble lord fell forward on the table in a senseless state. There were cries of 'Open the windows,'—'Some water.' The Lord Chancellor and the Earl of Liverpool evinced the greatest concern, and proceeded immediately to Lord Erskine's assistance. They, with the assistance of Earls Grey and Carnarvon, Lord Holland and Mr. Baron Garrow, raised his lordship; but his speech and colour were gone. They then became seriously alarmed, and instantly proceeded to convey him out of the house. The attack was so severe, that they were obliged literally to carry his lordship out of the house, and into an adjoining room, where medical aid was immediately procured. It was at first supposed that his lordship's indisposition would be but temporary, and, in the expectation that he would be able to resume his speech, the house, on the motion of Lord Lauderdale, adjourned for a quarter of an hour. (It was now a quarter past 12 o'clock.) After the lapse of nearly half an hour, Lord Erskine's indisposition being so severe as to prevent his return, the house resumed.

The Lord Chancellor said, that he had in common with their lordships to regret the absence of his noble and learned friend, whose indisposition had compelled him to quit his seat. But he could not permit this debate to go further without observing, that his noble and learned friend mistook what he (the Lord Chancellor) meant, when he said that he had overlooked many of the points in the case. What he meant to say was merely this—that in the points and cases upon which he had remarked, he saw enough for his owu judgment: as to the rest, he had left them unreasoned upon, and refrained from pronouncing any opinion with reference to them.

The Earl of Lauderdale assured their lordships that he felt almost completely overawed by the nature of the momentous subject before the house. He knew also, that in rising so soon after his noble and learned friend (Lord Erskine) he had to encounter many disadvantages. The noble lord went over the whole of the evidence with much ingenuity and extraordinary minuteness, from every part of which he deduced inferences unfavourable to the queen. He even considered the evidence of Majocchi and Demont unimpeached in their material parts, and expressed himself much surprised that the noble and learned lord on the woolsack should have given up the testimony of these witnesses. He adverted to

the odium, which he had himself incurred out of doors, by the part which he had taken in these proceedings, and denied that he had any views upon the government of India. He considered bills of pains and penalties, not only a part, but a valuable part, of the constitution. He deprecated acting upon the principle of expediency, or fear; and concluded with a zealous exhortation to their lordships to protect the morals of their wives and children, by finding this bill.

The Earl of Rosebery would not give a silent vote. He regarded this bill, if it should pass, a measure which, considering all the circumstances, would inflict on their lordships, not only the indignation of this country, but the contempt of all Europe. He felt himself called upon to give his decided negative to the measure.

Lord Redesdale declared, that the impression on his mind was, that this case was more fully proved than any case which he ever remembered, in which any degree of contrariety of evidence was apparent. He protested that he believed both Majocchi and Demont, because he considered them to be witnesses, with respect to whose evidence there had been sufficient confirmation to induce him to give credit to their statements. Bills of pains and penalties, he alleged, were sometimes absolutely necessary for the protection of the constitution. He did not believe that the public discontent and public feeling, which had been so much insisted on at the bar, really existed; but, if it did, he thought their lordships were imperatively called upon to act with more than ordinary firmness, and ought not to abandon the bill. He should, on these grounds, vote for the second reading.

Adjourned.

FORTY-SEVENTH DAY,—FRIDAY, NOVEMBER 3.

Earl Grosvesnor, in an able and energetic speech, combated all the views which had been taken by the preceding speakers in favour of the bill. He ridiculed the alterations which, it was said, might be made in the bill, as if they were bound to no specific charge, but might find her majesty guilty of fornication, or murder, or any other crime that they might think they had discovered. After taking a review of the evidence, and commenting on its baseness, his lordship thus adverts to the subject of the liturgy, and the general bearing of the case. It was said that the king had desired the Archbishop

of Canterbury to attend him with the book of Common Prayer, and had then commanded the erasure of her majesty's name from the liturgy. Whether this were the fact, or not, he had no means of knowing: but, if he were the Archbishop of Canterbury, sooner than comply with such a request, he should have thrown the book in the face of the king who commanded him to do an act which was equally contrary to law, to humanity, and justice. If he were the Lord Chancellor, sooner than have set the seal of office to such a command, he would have dashed the seal in pieces at his feet, and thrown away the trammels of his office, rather than submit to remain any longer a part of an household administration who were liable to be called upon for such offices. Their lordships should look to the signs of the times. They would find that nature had rendered them as visible in the physical world, as their own judgment must have shewn them to be in the moral one. They had read in Scripture that the stars would run from their courses,—that the moon and sun would alter their appearance. When the Attorney-General in this case levelled (acting, doubtless, from his instructions—and, so acting, some viewed him as acting innocently) the foul barbs from his quiver against the person of his queen, his attack commenced in storms; and when the hour arrived for her majesty's counsel to make in her behalf their unanswerable defence, the sun emerged in all the blaze of his brightness from the heavy obscurity of an eclipse. Their lordships, in looking at the present agitated state of the public mind, must see that the moral clouds, charged with thunder, were collecting over their heads: let them, therefore, disperse them by abandoning this fatal bill. Then indeed their moral horizon would resume it clearness. Nothing would disseminate wider joy than such a decision—a joy which not only would pervade England, but all Europe. It would be felt all over free Spain, and the note of joy would be prolonged beyond the Pyrenees; and Sicily, now become free, would participate in the gladness. Every free nation on the face of the globe would participate in such a decision—they would hail it like freemen with their greatest triumph, and none but despots and their slaves would hang their heads upon such an occasion. Above all, the freeborn Englishman would rejoice, because the hour of oppression would have gone by. He conjured their lordships to recollect the prayers which they offered up, each morning of their sitting, to Divine Providence, to guide and direct them in all their consultations, to remove from their breasts "all prejudices and party affections." Why did they so invoke the aid of their Divine Maker? Why? Because the all-wise

Being knew that the human heart was deceitful. He conjured the house to pause before they adopted a bill pregnant with the worst consequences. He conjured them not to let the weight of such a measure fall upon so injured, so unquestionably persecuted and long-oppressed a woman. The general opinion was that she was unjustly treated, and unsparingly persecuted. He implored them, therefore, with a woman so overwhelmed by unabated suffering, not to exhibit to their wives and daughters the sad spectacle of oppression, which she must present, if she became the victim of this bill. He finally implored them to judge this measure as they themselves expected to be judged, when their functions here ceased.

The Earl of HAREWOOD must vote against a bill attempted to be carried against what he must consider the just feelings of the country.

The Earl of DONOUGHMORE went over the evidence much at length, and with nearly as much minuteness as the Earl of Lauderdale, and arrived at similar conclusions. He dwelt particularly on the language used at the bar, by her majesty's counsel, that, if their lordships should, on such evidence, give their verdict against her majesty, it might be their last decision.

Earl GREY took an able and comprehensive view of the subject, both as regarding the nature of the evidence adduced, and the principle of the measure before their lordships. He examined scrupulously every part of the evidence, and powerfully contended that no guilt was made out, as well as that no state necessity existed which could justify so extraordinary a measure as a bill of pains and penalties, in this case, if even criminality had been proved. He replied, with much force and animation, to the various arguments urged by the Lord Chancellor, and by Lords Lauderdale and Donoughmore: and concluded one of the most luminous and impressive speeches ever delivered in parliament, by giving "the only vote he could reconcile to his honour and his judgment; and laying his hand upon his heart, with the deepest sense of the solemnity of the occasion, conscientiously and fearlessly, before God, pronounce—Not Guilty."

The Earl of LIVERPOOL went over nearly the same ground with Earl Grey, deducing, however, opposite conclusions from the same facts. He repeated the assertions and inferences which had been already made by the Attorney and Solicitor-General, on various points of the evidence; and alleged not only that there was, previous to embarking on board the polacre, suspicion, but a moral certainty of guilt.

The usual time of adjournment having arrived, before his lordship could conclude his speech, the house adjourned.

FORTY-EIGHTH DAY,—SATURDAY, NOVEMBER 4.

THE Earl of LIVERPOOL resumed his speech. He dwelt particularly on the evidence, which regarded the scenes on board the polacre, and at Aum. On these two cases he felt no hesitation in resting his belief of guilt. In his opinion, they amounted to a full judicial proof, though not perhaps to a complete moral conviction. As to the expediency, or the inexpediency of the measure, at the present time, they should not be influenced by that consideration. If they believed her majesty guilty, to reject the bill, on the ground of expediency, would be a complete acquittal, and thus they would give, under the most fatal circumstances, a complete triumph to guilt. If their lordships believed her guilty, the best way would be to pronounce her so, regardless of the consequences that might follow. The vote he should now give in support of the bill would be given in integrity; in a desire that justice should be administered in mercy; that the illustrious personage should not be visited with a more severe punishment than the necessity of the case required; in a desire that complete justice might be done between the queen, the crown, and the country.

Lord ARDEN spoke against the bill.

Lord FALMOUTH, if it were not distinctly stated that the divorce clause should be omitted, would vote against the second reading of the bill.

Lord HARROWBY spoke to the same effect.

Lord ELLENBOROUGH, though one of the secret committee, who recommended an inquiry into the conduct of the queen, was of opinion that to read the present bill a second time, would be highly inexpedient, and detrimental to the public interest.

Lord ERSKINE again claimed the privilege of addressing the house against the bill. He supposed himself a judge, charging a jury; and, in that capacity, entered into an analysis of the evidence to show its utter incredibility.

Lord DE DUNSTANVILLE, in a speech of considerable length, supported the bill.

Lord MANNERS considered the preamble of the bill to be sufficiently proved, and would support it in all its stages.

The Duke of NEWCASTLE should vote not only for the

second reading of the bill, but for inflicting on the queen the full penalties which it enacted.

The Marquis of LANSDOWN began by severely commenting on the conduct of the Duke of Newcastle, who could permit himself, as a juror, without hearing the evidence against the bill, to come to a decision on its merits. He then, in an able and argumentative speech, proceeded to comment upon the case generally, and to state his reasons for voting against the bill. Before his lordship concluded, the usual time of adjournment arrived.—Adjourned.

FORTY-NINTH DAY, MONDAY, NOVEMBER 6.

The Marquis of LANSDOWN resumed his speech. He commented on the evidence with great ability, to show that there was, at the most, nothing beyond a bare presumption of guilt. They should recollect that they were now passing a law, and not a sentence; that they were enacting a punishment on which the public would form their own estimate. Public opinion already said, the bill before their lordships would be the most violent application of a most violent measure, and on a bare presumption, that, because, five years ago the Princess of Wales and her chamberlain were placed in a situation in which adultery might be committed, that it therefore actually took place. He entreated the house, while they had yet time to reflect, to pause before they gave their assent to a measure, the existence of which they might have too much reason to lament.

The Duke of NORTHUMBERLAND felt no hesitation in voting for the bill.

Lord HOWARD, as the preamble was not indisputably proved, could not give his assent to this bill.

The Earl of ENNISKILLEN considered the evidence so suspicious, and involving such a mass of contradiction, that he could not convict any person upon it.

Lord CALTHORPE, although he thought the queen guilty, could never give his sanction to such a measure, nor would he vote for its proceeding one step farther.

The Marquis of Stafford, Lord De Clifford, Lord Grantham, the Earl of Blessington, and Lord Gosport, severally opposed the bill.

The Duke of Athol briefly supported, and the Duke of Somerset opposed it.

Lord GRENVILLE in a speech of considerable length, supported the bill.

Earl Rosslyn, in a luminous and convincing speech, in which he replied to the arguments of Lord Grenville, opposed the second reading.

The house divided—Contents 123—Non-Contents 95—Majority for the second reading 28.

Adjourned.

List of Peers who voted for and against the Second Reading of the Degradation and Divorce Bill.

FOR THE SECOND READING.

Dukes of York, Clarence, Beaufort, Rutland, Newcastle, Northumberland, Wellington, Athol, and Montrose.

Marquises Conyngham, Anglesea, Camden, Northampton, Exeter, Headfort, Thomond, Cornwallis, Buckingham, Lothian, Queensberry, Winchester.

Earls Harcourt, Brooke and Warwick, Portsmouth, Pomfret, Macclesfield, Aylesford, Ba'carras, Hume, Coventry, Rochford, Abingdon, Shaftesbury, Cardigan, Winchelsea, Stamford, Bridgewater, Huntingdon, Westmorland, Harrowby, St. Germains, Brownlow, Whitworth, Verulam, Cathcart, Mulgrave, Lonsdale, Orford, Manvers, Rosse, Nelson, Powis, Limerick, Donoughmore, Belmore, Mayo, Longford, Mount-Cashel, Kingston, Liverpool, Digby, Mount-Edgecombe, Abergavenny, Ailesbury, Bathurst, Chatham.

Viscounts Exmouth, Lake, Sidmouth, Melville, Curzon, Sydney, Falmouth, Hereford.

Barons Somers, Rodney, Middleton, Napier, Colville, Gray, Saltoun, Forbes, Prudhoe, Harris, Ross or Glasgow, Meldrum, Hill, Combermere, Hopetoun, Gambier, Manners, Ailsa, Lauderdale, Sheffield, Redesdale, St. Helens, Northwick, Bolton, Eldon, C., Bayning, Carrington, De Dunstanville, Brodrick, Stewart of Garlies, Stewart of Castle Stewart, Douglas (Morton), Grenville, Suffield, Montagu, Gordon (Huntley), and Saltersford.

Archbishops Canterbury and Tuam.

Bishops London, St. Asaph, Worcester, St. David's, Ely, Chester, Peterborough, Llandaff, Cork and Rosse, and Gloucester.

AGAINST THE SECOND READING.

Dukes of Gloucester, Somerset, Hamilton, Argyle, Leinster, Grafton, Portland, Devonshire, Bedford, Richmond, (St. Alban's, absent from illness.)

Marquises Bath, Stafford, and Lansdown.

Earls De Lawarr, Ilchester, Darlington, Egremont, Fitzwilliam, Stanhope, Cowper, Dartmouth, Oxford, Roseberry, Jersey, Albemarle, Plymouth, Essex, Thanet, Denbigh, Suffolk, Pembroke, Derby, Blessington, Morley, Minto, Harewood, Grey, Gosford, Romney, Rosslyn, Caledon, Enniskillen, Farnham, Carrick, Carnarvon, Mansfield, Fortesque, Grosvenor, Hilsborough (Marquis of Downshire.)

Viscounts Granville, Anson, Duncan, Hood, Torrington, Bolingbroke.

Barons Ashburton, Bagot, Walsingham, Dynevor, Foley, Hawke, Ducie, Holland, Grantham, King, Belhaven, Clifton (Darnley), Say and

Sele, Howard of Effingham, De la Zouch, Clinton, Dacre, Audley, De Clifford, Breadalbane, Erskine, Arden, Ellenborough, Alvanley, Loftus (M. Ely), Fitzgibbon, Calthorpe, Dawnay, Yarborough, Dundas, Selsea, Mendip, Auckland, Gage, Fisherwick (M. Donegall), Amherst, Kenyon, Sherborne, and Berwick.

ARCHBISHOP of York.

Of the majority of twenty-eight in favour of the Bill.

Two princes of the blood, holding high offices at pleasure - -	2
Cabinet ministers, avowed prosecutors in this accusation - -	9
Persons holding offices *dependent on the Prosecutors* - - -	13
Archbishop of Canterbury, who prejudged the case by erasing her majesty's name *from the Liturgy* - - - - - -	1
Three peers, who attended the prosecution, and were *absent from the defence*—Duke of Newcastle, Earl of Sheffield, and the Earl of Hume - - - - - - - - - -	3
	28

FIFTIETH-DAY, TUESDAY, NOVEMBER 7.

PROTEST FROM HER MAJESTY.

THE order of the day was about to be read, when

Lord DACRE rose, and stated, that since he had come into the house this morning, a Protest, with respect to its proceedings, on the part of her majesty the queen, had been unexpectedly put into his hands to be presented. It might, perhaps, surprise their lordships that such a paper should have been placed in his hands, as he had taken no part in the proceedings on this important case; and he ought to apologize to their lordships for not having at an earlier stage expressed his opinion of it. His objection to bills of pains and penalties for the punishment of moral turpitude, long since committed, was so invincibly strong, that he never felt the least hesitation in declaring it. He hoped that the protest which had been placed in his hands would be liberally heard by the house; but whatever were his sentiments on the proceeding in general, he must object to the practice of judges, jury, and prosecutors, all voting in this case against the queen. With respect to the protest now intrusted to him, he would acknowledge that there was no precedent for receiving it; but the country would form their opinion of the conduct of the house, and precedent ought never to interrupt the equitable course of justice and of truth. He had scarcely had time to read over the protest of the queen, but it appeared that in the face of

her family, the house, and the country, she solemnly protested against the proceedings in that house, as contrary to the constitution, to the spirit of the laws, and the principles of common justice. The noble lord concluded by reading her majesty's protest, which was couched in the following terms:

"CAROLINE REGINA.

"*To the Lords Spiritual and Temporal, in Parliament assembled.*

"The queen has learnt the decision of the Lords upon the Bill now before them. In the face of parliament, of her family, and of her country, she does solemnly protest against it.

"Those who avowed themselves her prosecutors have presumed to sit in judgment on the question between the queen and themselves.

"Peers have given their votes against her who had heard the whole evidence for the charge, and absented themselves during her defence.

"Others have come to the discussion from the secret committee, with minds biassed by a mass of slander, which her enemies have not dared to bring forward in the light.

"The queen does not avail herself of her right to appear before the committee, for to her the details of the measure must be a matter of indifference; and unless the course of these unexampled proceedings should bring the bill before the other branch of the legislature, she will make no reference whatever to the treatment experienced by her during the last twenty-five years.

"She now most deliberately, and before God asserts, that she is wholly innocent of the crime laid to her charge, and she awaits with unabated confidence the final result of this unparalleled investigation.

"CAROLINE REGINA."

After some conversation respecting the mode of receiving the protest, it was ordered, on the motion of the Lord Chancellor, to be entered on the journals, accompanied by the following resolution: "That the house, notwithstanding the justly exceptionable matter in some part of the paper, did, nevertheless, under all the circumstances of the case, consent to its reception, as a representation of what her majesty had farther to state to the house in that stage of the proceeding."

THE COMMITTEE ON THE BILL.

On the order of the day for going into the committee being read,

Earl DARNLEY felt it his duty, most solemnly to protest, in this as in every other stage of this bill, against its further progress. He then congratulated the house upon the division of the preceding day, as the country would, from the noble lords who formed the majority, be able to appreciate the real character of the queen's opponents. He would say, that,

according to his view of human nature, it was utterly impossible that any person who had been placed in the situation in which some of their lordships had stood, could withstand the infirmities to which all were subject. Yet a large proportion of the majority had consisted of the accusers themselves—a great proportion consisted of persons who were in the habit of receiving favours from the crown, and he would state one fact which appeared to him a material one, namely, that ten of the junior barons had voted for the bill, whilst the eighteen senior barons had voted against it. From this fact he could only draw one inference, and that was, that it had not been owing to any individual infirmity, peculiar to themselves, but owing to that irresistible bias arising from circumstances, which whilst human nature remained what it was, ought always to disqualify persons in such a situation from becoming judges.

On the motion of the Earl of LIVERPOOL the house resolved into a commitee.

The Earl of LIVERPOOL proposed some trivial alterations in the preamble: the first was that the name of the individual who was so conspicuous in these proceedings, should be altered to "Bartolomeo Bergami," instead of Bartholomo Pergami. He would also move, in allusion to the many favours alleged to be conferred by her majesty on him and his family, that the words of the preamble, charging the queen with having "obtained for him orders of knighthood and titles of honour," should be struck out—not that he had any doubt of the fact, but it had not been proved in evidence. This, he wished it to be understood, was not through any prudential consideration. He would now come to a most material part of the preamble, which stated, that "while her royal highness had the said Bartolomeo Bergami in her service, she, unmindful of her exalted birth and station, and regardless of her own honour, conducted herself towards Bergami, in *the* various places and countries where her royal highness visited, with indecent and offensive familiarity and freedom." He would stop here and say, the charge was perfect without the monosyllable "the," as now prefixed to "various places." If "the" remained, it would seem to imply, that such familiarities and freedom had taken place in all of such places, which was not the fact. He would move, that the word "the" should be struck out, and that it should stand, "in various places and countries." These were the only alterations he deemed necessary, and he would afterwards have occasion to state, that the preamble had been fully proved.

The Earl of SHAFTESBURY read the amended preamble, and inquired if any other noble lord had any alteration to suggest in the preamble?

The motion being made by the Earl of LIVERPOOL, that the name of Bergami should stand as "Bartolomeo Bergami," without the addition of the *alias* "Pergami," it was carried without any dissent.

He then moved the erasure from the preamble of "her majesty having procured for him orders of knighthood and titles of honour."

Lord ERSKINE said, their lordships were, in his opinion, going to strike out the only part of the preamble that was true. He (Lord Erskine) did not believe that the degrading intercourse with which the queen was charged had been proved.

After some observations from Lord Grenville, Lord Ellenborough, and Lord Liverpool, the words proposed were expunged.

The Earl of LIVERPOOL said, their attention was now to be directed to a very material allegation, he meant that which pointed to those parts of the evidence establishing the fact of the queen having indulged in indecent and offensive familiarity and freedom with Bergami, in different places which they visited. The noble earl then recapitulated those facts which had been proved at their lordships' bar, which waranted this part of the preamble.

A short discussion followed, which ended in the motion that this part of the preamble should remain as in the original bill.

THE DIVORCE CLAUSE.

The chairman having come to the concluding enactment of the bill, "And moreover that the marriage between his majesty and the said Queen Caroline Amelia Elizabeth, be, and the same is hereby from henceforth for ever wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever."

The Archbishop of York, the Bishop of Chester, the Bishop of Worcester, the Earl of Lauderdale, Lord Harrowby, and Earl Fitzwilliam, spoke against the divorce clause.

The Archbishop of Canterbury, the Bishop of London, and the Earl of Donoughmore spoke in its favour.

The Earl of DARNLEY would repeat what he had before observed, that the bill could not pass either with the divorce clause or without it.

Lord LIVERPOOL had distinctly stated in an earlier part of their proceedings, that if, after mature deliberation, their lordships should be of opinion that substantial justice did not require the clause for divorce, he should not press it; he had also, in another stage of the proceedings, expressly declared, that so far from wishing this clause to pass, as a matter of personal convenience to the king, he was prepared, if such should appear to be the opinion of the house, to withdraw the clause altogether. Having said thus much, he now came to the question immediately before their lordships. He (Lord Liverpool) did not say the present bill should be considered in the light of a Bill of Divorce, and it appeared to him a general mistake prevailed both as to the effect and principle of the present bill. He had stated it as a public measure, and not a measure of private relief. In the case of the present illustrious parties it could not be considered a measure of private relief; and even in the strongest case, where the line of succession might be endangered—even in the case of a young king having a young wife—even in that case their lordships could not treat it as a matter of private relief. The present, he contended, was a public measure, brought in and supported on public principles. With respect to the sovereign, he never came for a divorce; he was not as king a party to the divorce. With respect also to recrimination; the king could be made amenable for his conduct: and then would it be said, that under no circumstances could a king ask for divorce? We know, said his lordship, that a separation has now existed between his majesty and the queen for a period of four and twenty years. We know that this separation was in a great degree sanctioned by the late king, and afterwards confirmed by an act of parliament. We thus know a separation has taken place, and under such circumstances it now appears whether your lordships ought to go further, whether you ought to go to the total dissolution of the marriage? I do not myself feel those doubts, but I cannot avoid allowing their full weight to those doubts. And I do say when a strong religious feeling is against the divorce, and no great public necessity presses its adoption, that it is better in such circumstances to yield. He himself felt no objection to the divorce clause, but if it were struck out, it would be necessary to adopt a clause confirming the separation. That clause would be quite distinct from a divorce clause, and should be inserted in the bill, in order to prevent those inconveniences which might otherwise arise.

The LORD CHANCELLOR reserved his opinion till discussions threw more light on the subject.

The Marquis of LANSDOWN opposed the bill *in toto*, and contended, he was not bound to do any thing in consequence of the division of yesterday.

Lord DUNCAN said that the charge against her majesty was only supported by a foul conspiracy and perjured witnesses, and he would not, therefore, let the assertion go forth to the world, that guilt had been proved to his satisfaction.

Adjourned.

FIFTY-FIRST DAY, WEDNESDAY, NOVEMBER 8.

DISCUSSION ON THE DIVORCE CLAUSE, CONTINUED.

The Archbishop of TUAM, and the Bishop of PETERBOROUGH, argued against the clause.

The Archbishop of YORK had never asserted, or meant to assert, that the crime of adultery was not considered in Scripture as a sufficient ground for the enactment of a divorce, but only that, consistently with his own conclusion from the meaning of the general tenets of Scripture, the marriage union must be considered as imposing a reciprocal obligation upon the parties who contracted the marriage. Where that reciprocity was not manifested by the parties themselves in their sense of the obligation they had incurred, he could not consent to a clause of divorce *(hear)*.

Lord REDESDALE expressed his opinion in favour of the divorce clause.

The LORD CHANCELLOR.—With respect to the declaration which had been made upon this clause at the beginning of the discussions upon this subject by his noble friend near him (the Earl of Liverpool), he begged to be understood as a party to it now, though he had not so expressed himself at the time. His noble friend on the former occasion had said that this clause should not be pressed, if it was found objectionable to the opinion of the religious part of the community. If such were the general impression, he (the Lord Chancellor) thought it advisable that the clause ought not to be pressed against such a feeling, though he himself, for one, thought it would be more wise to retain the clause.

The Marquis of LANSDOWN supported the clause. Nothing could be so anomalous as a woman continuing the wife of the king, and yet not being queen consort.

Lord KING said he felt himself in a situation of rather an extraordinary kind upon this question; and the house, in his

view, fully participated with him in that feeling. There had been a confusion of opinions amongst the ministers—there had been a confusion of opinions amongst the lawyers—(*a laugh*) and a confusion of opinions amongst the learned prelates.—(*Hear.*) Upon this clause there were scruples, both religious and political, with respect to its probable operation. Certainly the scruples of the learned prelates must arise from religious considerations; and he regretted that amongst that learned body, the fathers of the church, there had not been that conformity of opinion which the church of England required, and on which it so much prided itself. (*Hear.*) He was extremely sorry that the noble and learned lord on the woolsack had not derived from those to whom he had looked with such confidence for information of a more convincing and enlightened character. (*A laugh.*) But if he had not received instruction from the reverend prelates, he could derive consolation from them; for among them, as among lawyers, there appeared difficulty and doubt. (*Laughter.*) But the noble and learned lord had, with a quickness somewhat extraordinary, collected from the conflicting sentiments of the learned prelates a very clear idea of the necessity of the clause, although he had been so full of scruples, the day before, as to beg that he might hear every thing before he gave his opinion. In looking to this question, as it generally affected the queen and the country, he could not help saying that he was influenced by reports which had reached him at former periods respecting the conduct of the queen. It was not to be denied that many noble lords had felt the influence of reports which were not legally evidence. He alluded to those reports respecting her majesty's conduct which had for so long a period been in circulation, and which, he believed, could not have been so completely shaken off as it were to be wished they should have been, when noble lords came to consider the second reading of the bill. At the period to which he had alluded, it was said that the queen had been guilty of the greatest indecencies, not with Pergami, but with other persons; that her majesty, at Blackheath, had been guilty of indecorum with Lord Liverpool! (*loud laughter*;)—and that she had played at blindman's buff with the Chancellor of the Exchequer! (*Continued laughter*). He (Lord King) could not refer to the exact period at which those extraordinary and indecent proceedings took place.

The Earl of LIVERPOOL: "They never took place!"—(*hear*).

Lord KING: "I cannot, I assure your lordships, refer to the exact time, but it must have been, I think, when the noble

earl was out of place, and looking for means to get into office —before the regency!" (*Laughter*).

The Earl of LIVERPOOL: "Never, upon my honour:"—(*hear*).

Lord KING said, it was, then, an instance to the noble earl of the falsity of reports. (*Much laughter*).

Earl GREY would vote for the clause in the hope that it would put the house in such a situation as to force them to reject the bill altogether.

The Earl of DONOUGHMORE supported his former opinion, and was in favour of the clause.

Lord ELLENBOROUGH said that to continue the queen the wife of the king, after the proofs which had been offered against her, would be sanctioning a seditious libel against the king.

Lord SOMERS agreed with the noble lord who spoke last, and would not vote for the throwing out the clause.

The Earl of LIMERICK also supported the clause.

The Earl of ESSEX, having opposed the bill, could not reconcile to himself to vote in favour of this clause. He had no doubt that at no distant period the foul conspiracy against her majesty would be developed.

Lord ANSON would vote for the divorce, in order to give the greatest possible chance of throwing out the bill, a bill which imputed guilt to an innocent queen.

Earl CARNARVON would give his vote in favour of this clause. He begged their lordships to consider what the consequence would be of passing a bill of degradation without divorce. The consequence did not appear to have been adverted to. They were all aware of a statute which made it high treason to violate the wife of a sovereign. They proposed to pass a bill of degradation in order to furnish public scandal, and to protect the morality of the country; (*cheers.*) Her majesty might still remain in the kingdom, and might continue to indulge in that vice which they assumed to be proved, and any individual might commit what by the statute of Edward III. was high treason. Would any noble lord say that her prosecutors could come to that house for a second bill of pains and penalties against her majesty? If this were purely a bill of divorce, no ground whatever could be assumed for degradation but the ground of divorce on account of adultery. Were their lordships to declare, by their vote, that a person not fit to be the associate of the meanest individual in the land, was yet a fit individual to be the associate of the king? He, for one, would never concur in such a wanton, unnecessary, premeditated insult to the king: (*hear, hear*).—

Against such an insult, though sanctioned by the advisers of the crown, he would raise his voice.

Lord HOLLAND supported the clause.

The Marquis of BUCKINGHAM said he looked not to the effect of the present question on the ultimate fate of the bill. He had attended anxiously to the reverend bench of bishops, who had inquired into the religious considerations on this subject; and the result convinced him that by the law of God there was no impediment to divorces in the case of adultery.

Lord Ross, Earl Manvers, Lord Hampden, the Earl of Darnley, and Earl Belhaven, also supported the clause.

The house divided—Contents 129—Non-contents 62—Majority in favour of the divorce clause 67.

While strangers were excluded, Lord KING rose, and said that he should offer no apology for submitting to their lordships a clause, the insertion of which in the bill seemed a matter of course, considering that the queen was not remotely placed in the illustrious line of princes in the succession to the crown of these realms. The crown was limited to her majesty, in the event of certain persons predeceasing her, and that by the most sacred and fundamental laws of the land. If it devolved on her, the well-known loyalty of their lordships must at once make them adopt a different view of the present question; and, looking forward to that event, they must be equally ready to provide for it. He therefore moved this clause: "And be it further enacted, by the authority aforesaid, that in case the crown of these realms shall at any time descend to her said Majesty Caroline Amelia Elizabeth, then, and in such case, this present act, and all the matters and things contained therein, shall become utterly void and of no effect, and the whole of the preamble thereof shall be deemed and taken to be false, calumnious, and scandalous, upon the same evidence on which it hath now been held to be sufficiently proved." (*Loud cheering, with some cries of order*).

Lord COLVILLE (of Culross, in Scotland, one of the Scotch peers) rose, with much warmth, to vindicate himself, and those who acted with him in favour of the bill. He said they were aspersed—they were attacked—by this motion. He denied the justice of the imputation, and he felt it due to his own conscience, and that of those who voted with him in this measure, to say that they acted conscientiously in it; and that they still did support the bill.

After some further discussion, the clause was rejected without a division.—The house resumed, and the report was ordered to be read to-morrow.

Minority in the House of Lords that voted for expunging the Divorce Clause.

LORDS Hill, Rodney, Yarborough, Saltoun, Bayning, Kenyon, Hopetoun, Suffield, Calthorpe, Combermere, Sidney, Curzon, Falmouth.

BISHOPS of Chester, Cork, Peterborough, Glocester, St. Asaph, St. David's, Ely, Worcester.

EARLS of Winchelsea, Courtown, Mount-Cashel, Romney, Stamford, Brownlow, Fitzwilliam, Stanhope, Balcarras, Dartmouth, Aylesford, Verulam, Morton, Portsmouth, Caledon, Lauderdale, St. Germain's, Ailesbury, Macclesfield, Lonsdale, Mount-Edgecombe, Farnham, Pomfret, Whitworth, Mayo, Shaftesbury.

MARQUIS Cornwallis.

DUKES of Clarence, Portland, Beaufort.

ARCHBISHOPS of York and Tuam.

CABINET MINISTERS—Sidmouth, Melville, Bathurst, Harrowby, Mulgrave, Liverpool, Westmorland, Wellington, Eldon, C.

FIFTY-SECOND DAY, THURSDAY, NOVEMBER 9.

REPORT OF THE COMMITTEE.

THE Report was brought up by the Earl of SHAFTESBURY, and being handed to the LORD CHANCELLOR, he proceeded to state to the house the amendments, in the order in which they had been made, and as they now stood in the bill.

When the noble and learned lord came to that part in which the word "The" was omitted in the sentence "In the various countries in which her royal highness visited,"

Lord ELLENBOROUGH rose, and said that the word now read, the word "the," was the principal alteration which had been made in the bill. Many noble lords, and a considerable part of those right reverend persons who sat on the bench opposite to him, had voted for the second reading of this bill under the impression that it was to undergo considerable modification in the committee, particularly with respect to the divorce clause. But their lordships had now heard most of the amendments, and they contained no modification, the principal change made in the whole bill being the omission of the word to which he had alluded. All the members of the house who had voted for the second reading, under the belief that an essential modification was to be made, being now completely disappointed in that expectation, would doubtless vote against the bill on the third reading.

The Earl of LAUDERDALE wished to say a few words with regard to what had occurred on leaving out the divorce clause.

Their lordships had been distinctly told by a noble lord of great experience, of the highest political talents, one of the most eminent members of that house, and a person for whom he entertained the greatest respect, that his reason for voting, with a view to keep in that clause, arose from his wish to stop the measure altogether. Now, after such a declaration, he would ask those noble lords who really objected to the clause, and who wished to remove it from the bill, but had thus been disappointed, whether they could with propriety aid this trick and manœuvre by voting against the third reading? Was it to be expected that noble lords who had voted for the second reading were now to reverse that vote, in order to assist the views of those who, in voting for the divorce clause, had declared that their object in doing so was to throw out the bill?

Earl GREY rose with great surprise, and no inconsiderable indignation, at hearing the unjust, unfounded, and calumnious imputation which had been cast upon him. He had hoped that his noble friend—that that house knew him too well to render it possible that he could be accused of resorting to trick and manœuvre to gain an object. Whether such a charge came well from the quarter in which it was made, he left it to the house to consider. But he must say, that to be accused of tricking and manœuvring in his conduct, when he openly avowed the motive and the object of that conduct, appeared to him the most extraordinary and unauthorized charge ever made in that house. Now, with respect to the question of his vote, he must observe that nothing was more common in parliamentary practice, nothing more justifiable according to the precedents of the best of former times, and nothing more correct in principle, than when a person felt a fundamental objection, either to the principle or the details of a measure, that he should endeavour to clog it, in any stage, with conditions calculated to produce its rejection by the house: *(hear, hear.)* But he had not been driven to this expedient, for, from the beginning, he had objected to the suggestion for omitting the clause.

The Earl of LAUDERDALE, after what had passed, thought it necessary to say a few words. If he were capable, on any account, of saying what could by possibility detract from the character of his noble friend, it would be infinitely more painful to him than any thing that ever happened to him in the course of his life. He had not said that his noble friend had been guilty of any unworthy trick or manœuvre. What his noble friend had done was a parliamentary trick often practised, as had been stated, even in the best of times.

The Earl of LIVERPOOL said he would fairly ask their

lordships whether, in any stage of this proceeding, he could be justly accused of holding out any expectations? He had merely stated, on the second reading of the bill, that no noble lord ought to feel precluded from voting because of any objection he might have to parts of the preamble, or to the clause of divorce, both of which would be open to discussion in the committee. He had always stated most distinctly that the preamble was, in his own opinion, most distinctly proved, and he could therefore never have held it out as his opinion that any material alteration would eventually take place in it. At the same time he perfectly agreed with the noble lord opposite (Ellenborough), that if any noble lord had voted for the second reading of the bill, in the expectation that important alterations in the preamble would be made in the committee, which were not made, it was perfectly open to him to vote on the third reading, as if he had not voted for the second.

The Lord Chancellor said, that the only question before the house was, whether a word of three letters, the word "the," should stand part of the preamble or not? and he did not imagine that much light would have been thrown on that point by the sort of canvass which had been going on —for he could call it nothing else—as to the vote on the third reading of the bill. After what had fallen from the noble earl (Grey), he thought he should be forgetful of what was due to himself, to the house, and to the country, if he did not disclaim, in the most pointed manner, having ever stooped to the unworthy practice of attempting to lead the votes of their lordships by any thing like trick or manœuvre. He had never stated one single word, in the whole course of this long proceeding, respecting the power of their lordships to modify the preamble or enactments of the bill, which he would not now repeat. As to the vote of yesterday, he had felt himself bound in honour, after the declaration made by a noble lord opposite (Lord Lonsdale), to pay deference to the religious prejudices entertained by that noble lord, in common with many others; although, for himself, he thought those prejudices altogether without foundation. This opinion he again, as he had done before, openly avowed. He thought the clause of divorce equally justified in a religious as in a legal sense, and if the bill passed, that clause ought also to pass.

The Duke of Hamilton rose to move an amendment upon a subject which he had before mentioned; it was, to leave out the words "licentious, disgraceful, and adulterous intercourse." To the words "adulterous intercourse" he had the most decided objection; but he would not enter into

a discussion of it now. He would reserve any discussion of the subject till the third reading. He now merely moved that that part be omitted.

The LORD CHANCELLOR put the question, which was negatived without a division.

Earl FITZWILLIAM said the adulterous intercourse had, in his opinion, by no means been proved.

The Earl of CARNARVON said he rose to move an addition to the preamble, after the word "abroad," of which he had given notice formerly. He moved that after the word "abroad," should be inserted, "and subsequently to her return refused 50,000*l.* a year of the public money, and the proffered homage of both houses of parliament."

The LORD CHANCELLOR put the question, and said the "Not Contents" had it.

Lord KING moved that the enactments of the bill should be thus altered,—"And whereas certain commissioners, who were appointed to proceed to Milan, together with one Vilmarcati, an Italian advocate, have collected a mass of false or questionable evidence; and whereas the same has, during many weeks, been detailed to the house and the public, whereby 'great scandal and dishonour have been brought upon your majesty's family and this kingdom;' therefore to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of the said Milan commissioners, by which they had 'violated the duty which they owed to your majesty, and have rendered themselves unworthy of the confidence placed in them;' and to evince our just regard for the dignity of the crown, and the honour of this nation: We, your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in parliament assembled, do humbly entreat your majesty that it may be enacted; and be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the persons who have acted as commissioners at Milan, from and after the passing of this act, shall for ever be disabled and rendered incapable, and are hereby disabled and rendered incapable, of receiving any reward *(great laughter)*, or of holding any place of trust, profit, or emolument, under the crown."—*(Loud laughter.)* By leaving out the words, "Caroline Amelia Elizabeth," and the other words which refer to her majesty, and introducing the words now moved, the bill would still be a bill of pains and penalties, and it would be directed to the proper object. —*(Cheers and laughter.)*

The LORD CHANCELLOR read the amendment proposed amid much laughter, and said the "Not Contents" had it.

Lord KENYON said, if he could by any means have brought himself to consent to the present bill, which he believed to be most odious and unjust, still he could never have assented to the divorce clause. His objections to that clause rested on religious feelings; they were founded on these words of our Saviour:—"Whoso putteth away his wife, except for fornication, causeth her to commit adultery." What man, holding Christian principles, or believing in the Christian faith, could divorce, even for adultery, from a husband who was stated, by the divine Author of Christianity, to have caused adultery?—(*hear, hear.*) His lordship concluded by moving that the whole of the words, after the words "any of them," be omitted—namely, "And, moreover, that the marriage between his majesty and the said Caroline Amelia Elizabeth be, and the same is hereby, from henceforth, for ever, wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever." This motion was immediately negatived without a division.—Adjourned.

FIFTY-THIRD DAY, FRIDAY, NOVEMBER 10.

THE THIRD READING OF THE BILL OF PAINS AND PENALTIES.

The Earl of MORLEY rose to oppose the motion. He said, that he was one of those who entirely concurred with his majesty's ministers up to the second reading of this bill. He thought at first, and still, that the course of events, after her majesty's arrival here, rendered this inquiry necessary. He also approved of the manner in which it had been conducted; but the reason he voted on Monday against the second reading, and would now vote against the third reading was, that he did not think the charge in the preamble fully made out.

Lord SOMERS spoke at considerable length in favour of the bill, the preamble of which, he contended, had been fully established.

Earl FORTESCUE was convinced that much mischief had already been done by this measure, but he hoped that this was not quite irreparable. It was still in the power of the house to do much, by rejecting this bill.

The Duke of BEDFORD said, that in his opinion, the measure was one which, to use the emphatic words of another

branch of the legislature, "was derogatory to the honour of the crown, and injurious to the best interests of the country." He did not vote on the divorce clause, because he could not conscientiously vote upon it without thinking the queen guilty. It had given him great astonishment to see ministers supporting the omission of the clause, consenting to the castration of their own measure, depriving it of the only feature which gave it the semblance of rationality. He did not mean to go in detail into the evidence; but he could not, however, help offering a few remarks on some parts of the proceeding. A noble earl opposite (Lord Liverpool) had commented on the evidence in a manner which had given him great surprise. He had assumed some of the most important facts of the case as proved solely by the testimony of that pure and immaculate witness Demont. He had ventured to say, that she was in one instance supported by Doctor Holland, but on the minutes of evidence being referred to, no such corroboration appeared. The truth was, every thing that could in any way be turned to the discredit of her majesty, was made use of to effect the purposes of this bill, without any regard either to their justice or probability. He would ask their lordships, how the character of Queen Elizabeth would have stood? where the glory of her reign would have been?—if she had been infested as the Princess of Wales had been, by spies and informers?—His grace concluded by declaring, that if called upon, in his judicial character, to give a verdict on the evidence which had been produced, he must say Not Guilty, on his honour and conscience; and if asked for his opinion as a legislator, "that the bill was as impolitic as it was unjust!"

The Lord Chancellor still considered, that if any noble lord was not conscientiously satisfied that there was a clear legal presumption of guilt in this case, it was his duty not to vote for this bill. For his own part, whether he viewed the evidence in favour of the bill—the evidence which had been called for the defence—or the evidence which ought to have been called, and had not been called, he was of opinion that, the charge of adultery had been clearly established. If this was not his feeling, no earthly consideration should induce him to vote for the third reading of this bill.

The Bishop of Chester said, that thinking the divorce clause in the bill against the precept of the divine law, and contrary to the whole spirit of the civil law, it was impossible for him to vote for the bill with that clause.

The Duke of Grafton said, that upon looking at the whole of the evidence he must pronounce a verdict of "Not Guilty."

The Marquis of HUNTLEY was satisfied of the guilt of her majesty, and should vote for the third reading.

The Marquis of DONEGAL said, that his clear and conscientious vote should be against the bill.

The Bishop of GLOUCESTER, from his objection to the divorce clause, should vote against the bill.

After some observations from Lord Ellenborough and the Earl of Darnley—the house divided.

For the third reading 108—Against it 99—Majority 9.

We have received the following report of what passed during the exclusion of strangers:

ABANDONMENT OF THE BILL.

Lord DACRE rose amidst vehement cries of "order," and as soon as the peers had taken their seats, he observed, that he had been intrusted with a petition from her majesty, praying to be heard by counsel against the passing of the bil.. *(Much cheering.)*

The Earl of LIVERPOOL rose immediately, and said that he apprehended such a course would be rendered unnecessary by what he was about to state: (*hear, hear.*) He could not be ignorant of the state of public feeling with regard to this measure, and it appeared to be the opinion of the house that the bill should be read a third time only by a majority of nine votes: (*much cheering.*) Had the third reading been carried by as considerable a number of peers as the second, he and his noble colleagues would have felt it their duty to persevere with the bill, and to send it down to the other branch of the legislature. In the present state of the country, however, and with the division of sentiment, so nearly balanced, just evinced by their lordships, they had come to the determination not to proceed further with it. It was his intention, accordingly, to move that the question "that the bill do now pass," be altered to "this day six months." (*The most vehement cheering took place at this unexpected declaration.*)

Earl GREY rose as soon as the Earl of Liverpool had resumed his seat, but the confusion did not subside till after his lordship had been for some time on his legs. His lordship complained of the whole course ministers had pursued with regard to the bill, which, after the declaration of the noble earl, could scarcely be said to be before the house, but which was still before the country, and would live long in its memory: (*hear.*) He charged the servants of the crown with the

grossest neglect of duty, in the first instance, in listening only to *ex parte* evidence, and giving a willing credence to the most exaggerated and unfounded calumnies: (*loud cheers.*) They had thus for many months agitated the nation—they had produced a general stagnation of public and private business—and they had given a most favourable opportunity, were it desired, to the enemies of internal peace and tranquillity. They had betrayed their king, insulted their queen, (*continued cries of hear, from all sides,*) and had given a shock to the morals of society by the promulgation of the detestable and disgusting evidence, in the hearing of which the house had been so long occupied: (*hear.*) His lordship also reprobated, in the severest terms, the conduct of the Milan commissioners, who, having been appointed, not to investigate truth, but to obtain testimony of guilt, had found in this country but too great an inclination to put faith in all the stories their agents and witnesses might invent against the honour and reputation of the Queen of Great Britain. The result had been that, after inquiries, secret and open—after the grossest calumnies and foulest libels had been made the subject of detail and debate for fifty days—after all the injury that it was possible to do the queen had been accomplished, the bill was abandoned, not without reason, but assuredly without apology. His lordship concluded by assuring noble lords on the other side, that the people of Great Britain would not be satisfied with the mere withdrawing of the measure, but would demand a strict inquiry into its foundation and origin. (*Great cheering from one side of the house.*)

Lord Erskine followed Earl Grey, and expressed the delight he felt that, after all that had been threatened and performed, he had yet at length lived to see justice—tardy and reluctant justice—done to the queen. It was the victory of right and innocence over wrong and malignity. He had spent much of his life in courts of justice, and he had often witnessed the triumph of the law, but never so glorious as on the present occasion—the triumph of that law of which Hooker, in his Ecclesiastical Polity, said "Of law there can be no less acknowledged than that her seal is the bosom of God, her voice the harmony of the world. All things in heaven and on earth do her homage; the very least as feeling her care, and the greatest as not exempted from her power. Both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent admiring her as the mother of their peace and joy."

The Duke of Montrose took the opportunity of stating that his conviction of the criminality of her majesty was un-

altered, and that, for one, he should never look up to her as his queen.

The question was then put from the woolsack, on the motion of the Earl of LIVERPOOL, that the question "that the bill do pass," be altered to "this day six months." It was carried *nemine contradicente*, and almost by acclamation.

Order having been once more re-established, the Earl of LIVERPOOL moved, that the house should adjourn until the 23d of November, the day on which the Commons were to meet. It was also carried, and their lordships immediately separated.

CONTENTS ON THE THIRD READING.

LORDS Harris, Ross (Glasgow), Meldrum (Aboyne), Hill, Combermere, Hopetoun, Manners, Ailsa (Cassilis), Lauderdale, Sheffield, Redesdale, St. Helens, Northwick, Bolton, Carrington, De Dunstaville, Rous, Saltersford (Courtown), Stewart (Galloway), Stewart (Moray), Douglas (Morton), Grenville, Suffield, Montagu, Gordon (Huntley), Somers, Rodney, Middleton, Napier, Colville, Gray, Saltoun, Forbes.

BISHOPS of Cork and Ross, Llandaff, Peterborough, Ely, St. David's, Worcester, St. Asaph, London.

VISCOUNTS Exmouth, Lake, Sidmouth, Melville, Curzon, Sydney, Hereford.

EARLS of St. Germains, Whitworth, Verulam, Cathcart, Mulgrave, Orford, Manvers, Rosse, Nelson, Powis, Limerick, Donoughmore, Belmore, Mayo, Longford, Mount-Cashel, Kingston, Liverpool, Digby, Mount-Edgecombe, Strange (Athol, Abergavenny, Ailesbury, Bathurst, Chatham, Harcourt, Warwick, Graham (Montrose), Pomfret, Macclesfield, Balcarras, Home, Coventry, Rochford, Abingdon, Shaftesbury, Cardigan, Winchilsea, Bridgewater.

MARQUISES of Conyngham, Anglesea, Camden, Northampton, Exeter, Headfort, Cornwallis, Buckingham, Lothian, Queensberry, Winchester.

DUKES of Wellington, Northumberland, Newcastle, Rutland, Beaufort, El. Westmorland, C. P. S.

LORD CHANCELLOR.

ARCHBISHOP of Canterbury.

DUKES of Clarence, York.

NOT CONTENTS.

LORDS Breadalbane, Erskine, Arden, Ellenborough, Alvanley, Loftus (Ely), Fitzgibbon (Clare), Bayning, Gwydir, Calthorpe, Dawnay (Downe), Yarborough, Dundas, Selsea, Mendip (Clifden), Auckland, Gage, Fisherwick (Donegal), Amherst, Kenyon, Sherborne, Berwick, Ashburton, Bagot, Walsingham, Dynevor, Foley, Hawke, Sundridge (Argyle), Ducie, Holland, Ponsonby (Besborough), Grantham, King, Belhaven, Clifton (Darnley), Say and Sele, Howard, De la Zouch, Clinton, Dacre, Audley, De Clifford.

BISHOP of Glocester.

VISCOUNTS Granville, Anson, Duncan, Hood, Leinster, Torrington, Falmouth, Bolingbroke.

EARLS of Blessington, Bradford, Morley, Minto, Grey, Gosford, Romney, Rosslyn, Caledon, Enniskillen, Farnham, Carrick, Carnarvon, Mansfield, Fortescue, Hillsborough (Downshire), Grosvenor, De Lawart, Ilchester, Egremont, Fitzwilliam, Portsmouth, Stanhope, Cowper, Dartmouth, Oxford, Roseberry, Jersey, Albemarle, Essex, Thanet, Denbigh, Suffolk, Derby.

MARQUISES of Bath, Stafford, Lansdown.

DUKES of Portland, Brandon, Devonshire, Bedford, Grafton, Richmond, Somerset.

ARCHBISHOPS of Tuam, York.

DUKE of Glocester.

Contents - - -	108	Non-Contents - -	99
Majority - -	9	In all - - -	207

The abandonment of the Bill of Pains and Penalties was celebrated throughout the kingdom by spontaneous and universal illuminations, more splendid, and of longer continuance, than any which have been recorded in history. They were every where accompanied by the most varied, intense, and heartfelt rejoicings. The partial efforts of some partisans of the ministers and the prevailing system, to prevent those demonstrations of popular feeling, served, by their failure, only to give them additional eclat. The enthusiasm was boundless, and baffles description.

INDEX.

HOUSE OF PEERS.

Court constituted, excuses for absence, Roman Catholic Peers exempted from call and consequent penalties, page 1—The attendance of the Dukes of Sussex and Cambridge dispensed with for cause, 2—Debate on motion for second reading of Bill of Pains, &c., and division, 2—Debate on motion for hearing counsel in support of preamble, 4—Doubts on nature of adulterous intercourse, and reference to the judges, *ib.*—Counsel on both sides introduced, 5—Queries to the Attorney-General, *ib.*—Queen's Attorney-General objects to bill, 7—His general address against the principle of, 9—The Queen's Solicitor-General follows, 32—Mr. Attorney-General in answer, 54—Mr. Solicitor-General follows, 66—Mr. Brougham in reply, 87—Proposed declaration on the inexpediency of the measure, *ib.*—Debate on proposed resolution, 93—Amendment to motion that counsel be called in, 102—Division, 112—Resolution for the abandonment of the bill negatived, 113—List of minority, 88 for 113—Case against the Queen opened by Mr. Attorney-General, *ib.*—In continuation, 133—Conversation on liability of witnesses, 155—Examination of witnesses, 156—Conversation on administration of oaths, 157—Interpretation of Non mi Ricordo, 208—Conversation on separation of witnesses, 209—Result, 211—Hour of adjournment, 238—More rapid supply of printed evidence, 239—Production of plans ordered, 253—Liability of witnesses to prosecution for perjury, 285—Same subject, 288—Separation of witnesses, 292—Lord Stewart's conduct explained, 324—Complaints of misrepresentation, 326—Discussion relative to interpreters, 359—On the extent of cross-examination, 371—Order on, 390—Long debate on same subject, 392—Decision, 413—Queen's counsel heard against the decision, *ib.*—The Attorney-General, 423—and Solicitor-General in answer, 425—Mr. Brougham in reply, 429—Their lordships' decision, 437—Reference to case of Duchess of Kingston, 552—Decision on, 554—Order relative to ministers, 600—Communications touching pecuniary supplies; and account of supplies to Queen, ordered, 620—Mr. Attorney-General' application for an extent of time for more witnesses, 629—Application resisted by Mr. Brougham, and in the sequel withdrawn, 631—Mr Solicitor-General sums up in support of bill, 639—Divorce clause abandoned, 657—Queen's counsel ready to proceed, 663—Prevented by a restrictive resolution, *ib.*—Debate and division on, *ib.*—Another resolution and division, 664—Mr. Brougham begs a few hours to make his election to comment on the evidence instanter, or accept of proffered delay, *ib.*—Three weeks given to prepare for opening Defence, *ib.*—Proceedings on charges closed, *ib.*

DEFENCE.—VOL. II.

The House re-assemble, court constituted, baristers, solicitors, &c. introduced, page 1—Mr. Brougham commences the defence of his illustrious client, 1—Concludes it, 68—Mr. Williams, contrary to the usual

course, is permitted to follow, 69—Concludes, 91—Conversation relative to the obstruction of justice, *ib.*—Examination of witnesses commenced, 92—Argument on the admissibility of evidence, 135—Reference to judges, 141—Decision, 147—Debate relative to prosecuting certain witnesses for perjury, 199—Conversation respecting Carrington, 202—A warm altercation between the adverse counsel on the disappearance of Rastelli, 291—A debate on the subject, 292—Motion "that the bill be read a second time this day six months," made, 293; and in the sequel, withdrawn, 294—The materiality of Rastelli's evidence proposed to be ascertained, *ib.*—It was stated in answer to a question, that Mr. Powell had sent Rastelli on a mission to Milan, *ib.*—Mr. Powell ordered to the Bar to account for his conduct, and examined instanter, 295—Examination suspended by an adjournment of the House, 297—and resumed, 298—Counsel for her majesty ordered to proceed, 308—and time given for deliberation, 309—Queries respecting Riganti, 311—The Queen's Attorney-General urges the necessity of naming the adverse party, 315—The Earl of Liverpool avowed himself the author of the measure, and responsible for the consequence, 316—Warm debate on the subject, *ib.*—Questions respecting Vimercati propounded to the judges, 323—Their answers, 325—The two letters, of which copies are inserted in pages 66, 67, were put in and identified, *ib.*—Witnesses ordered to attend de die in diem, 351—Judges deliver an elaborate opinion respecting the admissibility of evidence, *ib.*—Debate on putting the question, (the object of which was to let in evidence respecting the Milan Commission) in opposition to the opinion of the judges, 354—Division on, *ib.*—Debate on motion for Mr. Powell to produce extracts from his correspondence with Col. Brown, respecting Rastelli's mission to Milan, 355—Debate on, and the motion carried, 356—Application of counsel to examine Mr. P. refused, after a warm discussion, *ib.*—Mr. Powell delivered in a sealed packet, 364—Queen's counsel apply for time to consider what course to adopt in consequence of the absence of Baron Ende, a most essential witness for the defence, 387—Correspondence on the subject produced, 388—The committee appointed to inspect and verify certain papers, and to examine Mr. Powell, deliver in their report, 392—Report and extracts, 393—Diploma of the order of St. Caroline produced, 396—Application for the re-examination of Louisa Demont granted, 397—The Queen's Attorney-General declares it impossible with the accumulative difficulties interposed, to continue this anomalous case with justice to his illustrious client, 410—Extracts read from evidence to shew that menaces had been used abroad to compel the attendance of witnesses against the Queen, *ib.*—Mr. Attorney-General applies for time to procure witnesses to rebut the accusation of conspiracy, 410—The House took time to consider the propriety of refusing or granting the delay, 418—Mr. Attorney-General next day withdrew his application; and on Mr. Brougham stating that he had no evidence in rejoinder to tender, Mr. Denman commenced his speech on the whole of the evidence, 422—Mr. Denman concludes his summing up, 525—Dr. Lushington follows, 526—Dr. Lushington concludes, 569—Mr. Attorney-General begins his reply to the Defence, 570—The Queen's Attorney-General offers evidence to prove Baron Ompteda's attempt to seduce her majesty's servants, 593—Mr. Attorney-General objects, the letters not being evidence, and the period of applying improper, *ib.*—A debate ensued, *ib*—Mr. Attorney-General resumed, 594—Interrupted by Earl Grey, 613—Resumes, 614—and proceeds to remark on case on part of the Queen, 633—Concludes, 640—Mr. Solicitor-General follows, *ib.*—Mr. Brougham explains a circumstance